XIV 340

A table of all the Statutes passed in the third session of the eighteenth parliament of the United kingdom of great Britain and Ireland. 1861. 24° & 25° Vict.

Subj.— Law and legislation / Statutes / Victoria acts / Table

WEST BENGAL SECRETARIAT LIBRARY

SECRETARIAT LIBRARY

A

# TABLE

OF

## All the STATUTES passed in the THIRD Session of the EIGHTEENTH Parliament of the United Kingdom of GREAT BRITAIN AND IRELAND.

## 24° & 25° *VICT.*

### PUBLIC GENERAL ACTS.

I. AN Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

II. An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

III. An Act to make further Provision respecting certain Payments to and from the Bank of *England*, and to increase the Facilities for the Transfer of Stocks and Annuities, and for other Purp

IV. An Act for amending the *Red Sea* and *India* Telegraph Act, 1859.

V. An Act to amend the Law relating to Supply Exchequer Bills and to charge the same on the Consolidated Fund.

VI. An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

VII. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VIII. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

IX. An Act to amend the Law relating to the Conveyance of Land for Charitable Uses.

X. An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty.

XI. An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.

XII. An Act for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, and for the Benefit of *Bethlem Hospital.*

XIII. An Act to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of *East Stonehouse* in the County of *Devon.*

XIV. An Act to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof.

XV. An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess *Alice Maud Mary.*

XVI. An Act to render valid Marriages heretofore solemnized in *Trinity* Church, *Rainow,* and in other Churches and Chapels.

XVII. An Act to amend an Act of the Twentieth and Twenty-first Years of the Reign of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland.*

XVIII. An Act to make Provision for the Dissolution of Combinations of Parishes in *Scotland* as to the Management of the Poor.

XIX. An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

XX. An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties.

XXI. An Act for granting to Her Majesty certain Duties of Excise and Stamps.

XXII. An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of *Burford* in the County of *Oxford.*

XXIII. An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of *Reading.*

XXIV. An Act for confirming a Scheme of the Charity Commissioners for the Hospital of Lady *Katherine Leveson* at *Temple Balsall* in the County of *Warwick.*

XXV. An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India.*

XXVI. An Act to amend the *Dublin* Improvement Act, 1849.

XXVII. An

XXVII. An Act to declare the Limits within which increased Assessments are authorized to be raised in the City of *Edinburgh*, under the Provisions of the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter Fifty.

XXVIII. An Act to relieve certain Trusts on the *Holyhead* Road from Debts.

XXIX. An Act to authorize the Removal of the Infirmary for the County of *Cork* from the Town of *Mallow* to the City of *Cork*.

XXX. An Act to declare the Validity of an Act passed by the General Assembly of *New Zealand*, intituled *An Act to provide for the Establishment of new Provinces in* New Zealand.

XXXI. An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of *Sierra Leone*.

XXXII. An Act for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed *Trinity*" at *Guildford* in the County of *Surrey*, and its subsidiary Endowments, with certain Alterations.

XXXIII. An Act to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act of 1859.

XXXIV. An Act to extend the Provisions of the Acts to facilitate the Improvement of Landed Property in *Ireland*, and to further provide for the Erection of Dwellings for the Labouring Poor in *Ireland*.

XXXV. An Act to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of *Ireland*, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of *England* and *Ireland* respectively, and for other Purposes.

XXXVI. An Act to amend the Boundaries of Burghs Extension (*Scotland*) Act.

XXXVII. An Act to simplify the Mode of raising the Assessment for the Poor in *Scotland*.

XXXVIII. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.

XXXIX. An Act to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of *Brighton*, *East Cowes*, *Preston*, *Morpeth*, *Bromsgrove*, and *Durham*; and for other Purposes in relation thereto.

XL. An Act to make further Provision for the Management of Her Majesty's Forest of *Dean*, and of the Mines and Quarries therein and in the Hundred of *Saint Briavels* in the County of *Gloucester*.

XLI. An Act to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at *Chatham* in the County of *Kent*, and to embank Part of the River *Medway*; and for other Purposes connected therewith.

XLII. An Act to continue the Duties levied on Coal and Wine by the Corporation of *London*.

XLIII. An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes in *Ireland* by the Prevention of frivolous or fictitious Defences to Actions thereon.

XLIV. An Act to remove Doubts respecting the Authority of the Legislature of *Queensland*, and to annex certain Territories to the Colony of *South Australia*, and for other Purposes.

XLV. An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in *Great Britain* and *Ireland*.

XLVI. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act.

XLVII. An Act to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; to abolish Passing Tolls; and for other Purposes.

XLVIII. An Act to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (*Ireland*) Act (1860).

XLIX. An Act to enable Justices in *Ireland* to commit to local Bridewells Persons convicted of Drunkenness.

L. An Act for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in *Scotland*.

LI. An Act for granting Pensions to some Officers and Men in the Metropolitan Police Force, and for other Purposes.

LII. An Act to empower the Governors of the several *Australian* Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies.

LIII. An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers.

LIV. An Act to confirm certain Appointments in *India*, and to amend the Law concerning the Civil Service there.

LV. An Act to amend the Laws regarding the Removal of the Poor and the Contribution of Parishes to the Common Fund in Unions.

LVI. An Act to make Provision for Salaries for the Revising Barristers for the City of *Dublin*.

LVII. An Act to continue an Act of the Fifth and Sixth Years of Her Majesty relating to private Lunatic Asylums in *Ireland*.

LVIII. An Act to continue an Act of the Eleventh and Twelfth Years of Her Majesty relating to the Collection of County Cess in *Ireland*.

LIX. An Act to facilitate Proceedings before Justices under the Acts relating to Vaccination.

LX. An

LX. An Act to amend the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Sixty-nine, so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in *Ireland*.

LXI. An Act to amend the Local Government Act.

LXII. An Act to amend the Act of the Ninth Year of King *George* the Third, Chapter Sixteen, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of *Cornwall*.

LXIII. An Act to enable Grand Juries in *Ireland* to increase the Remuneration of County Surveyors, and for other Purposes.

LXIV. An Act to continue certain Turnpike Acts in *Great Britain*.

LXV. An Act to continue the Survey of *Great Britain*, *Berwick-upon-Tweed*, and the *Isle of Man*.

LXVI. An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings.

LXVII. An Act to make better Provision for the Constitution of the Council of the Governor General of *India*, and for the Local Government of the several Presidencies and Provinces of *India*, and for the temporary Government of *India* in the event of a Vacancy in the Office of Governor General.

LXVIII. An Act to amend the Laws relating to Attorneys and Solicitors in *Ireland*.

LXIX. An Act to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in *Scotland*.

LXX. An Act for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same.

LXXI. An Act to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in *Ireland* in relation to Advances and Repayments of Public Moneys for Public Works.

LXXII. An Act to make further Provision for the Regulation of the *British* White Herring Fishery in *Scotland*.

LXXIII. An Act to amend the Law relating to the Copyright of Designs.

LXXIV. An Act to render lawful the Enlistment of Persons transferred from the *Indian* to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons.

LXXV. An Act for amending the Municipal Corporations Act.

LXXVI. An Act to amend the Law relating to the Removal of Poor Persons to *Ireland*.

LXXVII. An

LXXVII. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

LXXVIII. An Act to repeal certain Enactments relating to nominating and appointing the Householders of *Westminster* to serve as Annoyance Jurors, and to make other Provisions in lieu thereof.

LXXIX. An Act to amend the Metropolis Gas Act.

LXXX. An Act to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes.

LXXXI. An Act to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in *Scotland.*

LXXXII. An Act for making Provision for the good Government and Extension of the University of *Durham.*

LXXXIII. An Act to amend the Law regarding the Registration of County Voters in *Scotland.*

LXXXIV. An Act to amend the Law in *Scotland* relative to the Resignation, Powers, and Liabilities of gratuitous Trustees.

LXXXV. An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in *Ireland.*

LXXXVI. An Act to amend the Law regarding Conjugal Rights in *Scotland.*

LXXXVII. An Act to amend the Metropolitan Building Act (1855).

LXXXVIII. An Act to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of *Saint James's Park* as a Site for Public Offices.

LXXXIX. An Act to increase the Amount payable out of the Revenues of *India* in respect of the Retiring Pay, Pensions, and other Expenses of that Nature, of Her Majesty's *British* Forces serving in *India.*

XC. An Act to make Arrangements as to the Disposal and Management of Property belonging to the University of *Edinburgh;* and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of *Leith,* under the Authority of an Act passed in the First and Second Years of *Victoria,* Chapter Fifty-five.

XCI. An Act to amend the Laws relating to the Inland Revenue.

XCII. An Act to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions.

XCIII. An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Moneys voted for the Revenue Departments.

XCIV. An

XCIV. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Accessories to and Abettors of indictable Offences.

XCV. An Act to repeal certain Enactments which have been consolidated in several Acts of the present Session relating to indictable Offences and other Matters.

XCVI. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Larceny and other similar Offences.

XCVII. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Malicious Injuries to Property.

XCVIII. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to indictable Offences by Forgery.

XCIX. An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.

C. An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Offences against the Person.

CI. An Act for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force.

CII. An Act to amend the Tramways (*Ireland*) Act (1860).

CIII. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-one, and to appropriate the Supplies granted in this Session of Parliament.

CIV. An Act for establishing High Courts of Judicature in *India*.

CV. An Act to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in *England* belonging to Ecclesiastical Benefices.

CVI. An Act to enable the Admiralty to close the Harbour of *Portpatrick* in *Scotland* during the Execution of certain Works in such Harbour sanctioned by Parliament.

CVII. An Act to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in *Scotland*.

CVIII. An Act to provide for the winding up the Naval Medical Supplemental Fund Society.

CIX. An Act to amend the Laws relating to Fisheries of Salmon in *England*.

CX. An Act for regulating the Business of Dealers in old Metals.

CXI. An Act to amend "The Probates and Letters of Administration Act (*Ireland*), 1857."

CXII. An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of *Sudbury* and *Saint Alban*.

CXIII. An Act for amending and consolidating the Law relating to Industrial Schools.

CXIV. An Act to amend the Law with respect to Wills of Personal Estate made by *British* Subjects.

CXV. An Act for the Government of the Navy.

CXVI. An Act for the Appropriation in favour of the Military Knights and the Churches of *Windsor* of Two of the Canonries suspended in the Chapel of *Windsor*, and for making certain Provisions respecting the Naval Knights of *Windsor*.

CXVII. An Act to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Act.

CXVIII. An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India*.

CXIX. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

CXX. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

CXXI. An Act to amend the Law in relation to the Wills and Domicile of *British* Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.

CXXII. An Act to continue the Corrupt Practices Prevention Act (1854).

CXXIII. An Act to reduce and alter the Rate of Duty payable on Proceedings under the Statute of the Twenty-first and Twenty-second Years of *Victoria*, Chapter Seventy-two, Section Eighty-eight; and for other Purposes.

CXXIV. An Act for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes.

CXXV. An Act to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business.

CXXVI. An Act to exempt the Volunteer Forces of *Great Britain* from the Payment of Tolls.

CXXVII. An Act for limiting and regulating the Treasury Chest Fund.

CXXVIII. An Act to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of *Plymouth*, *Weston-super-Mare*, *Llanelly*, and *Llandilo*; and for other Purposes in relation thereto.

CXXIX. An

CXXIX. An Act to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve to the Royal Navy.

CXXX. An Act for amending an Act passed in the last Session of Parliament to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks.

CXXXI. An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in *England*, and further to amend certain Acts relating to the Ecclesiastical Commissioners for *England*.

CXXXII. An Act for consolidating and amending the Law relating to Industrial Schools in *Scotland*.

CXXXIII. An Act to amend the Law relating to the Drainage of Land for Agricultural Purposes.

CXXXIV. An Act to amend the Law relating to Bankruptcy and Insolvency in *England*.

## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to repeal the Act of the Third Year of the Reign of Her present Majesty, entitled *An Act for more effectually repairing and improving the Road from* Edenfield Chapel *to* Little Bolton, *and certain Branch Roads connected therewith, all in the County Palatine of* Lancaster; and to confer other Powers in lieu thereof.

ii. An Act to grant further Powers to the *Bristol and South Wales Union* Railway Company with reference to their Capital and Borrowing Powers; to extend the Periods limited for Completion of the Works; to amend the Act relating to the Company; and for other Purposes.

iii. An Act to consolidate the Capital Stock or Shares of "The City of *Dublin* Steam Packet Company;" and for other Purposes.

iv. An Act for conferring on the Local Board of Health for the District of *Wallasey* further Powers for raising Money; for the Acquisition of *Seacombe Ferry;* and for incorporating the said Board; and for other Purposes.

v. An Act to continue the *Biddenden* Turnpike Trust in the County of *Kent;* and for other Purposes.

vi. An Act to repeal the Act for more effectually repairing and improving the Road from the West End of *Gainsburgh Bridge* to *East Retford* and to *Gringley-on-the-Hill* in the County of *Nottingham*, and to make other Provisions in lieu thereof.

vii. An Act for authorizing the Corporation of the Borough of *Preston* to establish and regulate Markets and Fairs, to erect a Town Hall, an Exchange, and Public Offices, and make new Streets in *Preston;* and for other Purposes.

viii. An Act to authorize the Consolidation into One Undertaking of the *Inverness and Nairn* and *Inverness and Aberdeen Junction* Railways, and the Union into One Company of the Two Companies to which the said Railways respectively belong.

ix. An Act for making a Railway from *Blackpool* in the County of *Lancaster* to *Lytham* in the same County.

x. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to raise additional Money; and for other Purposes.

xi. An

xi. An Act to enable the *Dublin, Wicklow, and Wexford* Railway Company to make a Deviation in their authorized Railway; and for other Purposes.

xii. An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money, and to increase their Subscription to the Undertaking of the *Charing Cross* Railway Company.

xiii. An Act to authorize the *Shrewsbury and Welchpool* Railway Company to widen their *Minsterley* Branch; and for other Purposes.

xiv. An Act to enable the Corporation of the City of *Bristol* to purchase *Durdham Down*, and to secure *Durdham Down* and *Clifton Down* as Places for public Recreation.

xv. An Act for enabling the *Exeter and Exmouth* Railway Company to regulate their Capital, to raise further Capital; and for other Purposes connected with their Undertaking.

xvi. An Act to authorize the making of a Railway in *Scotland*, to be called the *Strathspey* Railway.

xvii. An Act to enable the *Oswestry and Newtown* Railway Company to construct additional Lines of Railway to *Llanfyllin* and *Kerry* in the County of *Montgomery;* and for other Purposes.

xviii. An Act to enable the *Inverness and Aberdeen Junction* Railway Company to construct a Branch Railway from their *Alves* Station to the Town and Harbour of *Burghead;* to provide additional Station Accommodation at *Inverness;* and for other Purposes.

xix. An Act to repeal an Act of the Eleventh Year of the Reign of King *George* the Fourth, for improving several Roads and making certain new Roads in the Counties of *Devon* and *Somerset* leading to and from the Town of *Tiverton*, and for amending an Act of His present Majesty for repairing several Roads leading from and through the Town of *Wiveliscombe;* and to make other Provisions in lieu thereof.

xx. An Act to repeal an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for repairing, improving, and maintaining in repair the Road from* Brandlesome Moss Gate *in the Township of* Elton *to the* Duke of York *Public House in the Township of* Blackburn, *and a Branch Road therefrom, all in the County Palatine of* Lancaster; and to make other Provisions in lieu thereof.

xxi. An Act to enable the Borough of *Portsmouth* Waterworks Company to raise further Money; and for other Purposes.

xxii. An Act to enable the *Witney* Railway Company to make a Road to their Station at *Witney;* and for other Purposes.

xxiii. An Act to enable the Mayor, Aldermen, and Burgesses of *South Shields* to maintain a Quay there; and for other Purposes.

xxiv. An Act for incorporating the *Clitheroe* Gaslight Company; for the Regulation of their Capital; and for other Purposes.

xxv. An Act to repeal *An Act for more effectually amending the Road from* Oldham *in the County of* Lancaster *to* Ripponden *in the County of* York, *and other Roads in the same Counties, and for making and maintaining a new Branch to communicate therewith*, and to make other Provisions in lieu thereof, so far as regards the said Road from *Oldham* to *Ripponden*, and the other Roads already made in connexion therewith.

xxvi. An Act to repeal the Act of the 7th Year of His late Majesty King *George* III., Chapter 111., and to make better Provision for the managing of certain Lands in the County of *Westmoreland* called *Kendal Fell* Lands.

xxvii. An Act for extending the Term and amending the Provisions of the Act relating to the *Kingston-upon-Thames and Leatherhead* Turnpike Road in the County of *Surrey*.

xxviii. An Act to empower the *Bradford, Wakefield, and Leeds* Railway Company to construct a Railway from *Ossett* to join the *London and North-western* Railway at or near *Batley*, all in the West Riding of the County of *York;* and for other Purposes.

xxix. An Act to divert certain Portions of the Railway from *Kilrush* to *Kilkee*, and to deepen and improve the Creek or Harbour of *Kilrush*.

xxx. An Act to enable the *Morayshire* Railway Company to extend their Railway to the *Strathspey* Railway; and for other Purposes.

xxxi. An Act for authorizing the *Stratford-upon-Avon* Railway Company to raise additional Capital; and for other Purposes.

xxxii. An Act for making a Railway from *Wrexham* to *Minera*, and for other Purposes.

xxxiii. An Act to amend "The *Dewsbury, Batley*, and *Heckmondwike* Waterworks Act, 1856;" and to authorize the Construction of new Works; and for other Purposes.

xxxiv. An Act to enable the *Lancashire and Yorkshire* Railway Company to make a Railway from *Aintree* to *Bootle*, with certain Branch Railways, all in *Lancashire;* and for other Purposes relating to the same Company.

xxxv. An Act to authorize the Construction of a Railway between *Garston* and *Liverpool*, and for other Purposes.

xxxvi. An Act to define and increase the Capital of the *Great Western* Railway Company, and for other Purposes.

xxxvii. An Act to enable the *Lancashire and Yorkshire* Railway Company to raise a further Sum of Money; and for other Purposes.

xxxviii. An Act to continue the existing Borrowing Power of *Price*'s Patent Candle Company (Limited).

xxxix. An Act for lighting with Gas the Town and Neighbourhood of *Haslingden* in *Lancashire*.

xl. An

xl. An Act to amend an Act passed in the Session of Parliament holden in the 11th and 12th Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for incorporating the* North of Scotland *Fire and Life Assurance Company, under the Name of the* Northern *Assurance Company; for enabling the said Company to sue and be sued, and to take, hold, and transfer Property; for confirming the Rules and Regulations of the said Company; and for other Purposes relating thereto;* and to vary, extend, and enlarge certain of the Powers of the said Company; and for other Purposes relating to the said Company.

xli. An Act for better lighting with Gas the Borough of *Swansea* and the Neighbourhood thereof.

xlii. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to make new and widen existing Streets within the Borough; and for other Purposes.

xliii. An Act to amend and extend the Acts relating to the *Newcastle-under-Lyme Marsh* Lands; to incorporate the Trustees under the said Acts; and for other Purposes.

xliv. An Act for making a Railway from the *London and North-western* Railway at *Nantwich* in the County of *Chester* to *Market Drayton* in the County of *Salop*.

xlv. An Act for better supplying with Water the Borough of *Neath* and the adjacent District in the County of *Glamorgan*.

xlvi. An Act for authorizing the *Dartmouth and Torbay* Railway Company to raise further Monies; and for other Purposes.

xlvii. An Act to incorporate the *Northampton* Waterworks Company; to enable them to better supply the Town of *Northampton* and the several Townships and Places adjacent thereto with Water; and for other Purposes.

xlviii. An Act for the better Drainage and Improvement of certain Low Lands and Grounds, formerly Common, within the Manors of *Baschurch*, *Hordley*, *Stanwardine-in-the-Wood*, *Weston Lullingfield*, and *Stanwardine-in-the-Fields*, and of certain other Lands adjoining or near thereto, all situate in the County of *Salop*.

xlix. An Act to authorize the Mayor, Aldermen, and Burgesses of *Kilkenny* to make a General Market in the City of *Kilkenny;* and for other Purposes.

l. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct Branch Railways to *Dewsbury*, *Heckmondwike*, and *Meltham;* to purchase additional Lands at *Rochdale* and *Miles Platting;* and for other Purposes.

li. An Act for making a Railway from the *Taff Vale* Railway in the Parish of *Lantwit Vardre* in the County of *Glamorgan* to *Llantrissant* in the same County, with Branches therefrom, to be called "The *Llantrissant and Taff Vale Junction* Railway;" and for other Purposes.

lii. An Act to abolish and dismarket *Newgate Market* in the City of *London*, and to facilitate the Removal of Shambles and Slaughter-houses

houses and other Nuisances and Obstructions in the Vicinity of the said Market, and to authorize the Erection of Dwelling Houses or Shops or other Buildings on the Site thereof; and for other Purposes.

liii. An Act to incorporate a Company for supplying Gas to *Uxbridge* and certain Places in the Neighbourhood of the same.

liv. An Act for enabling the *West Cornwall* Railway Company to create Debenture Stock; and for other Purposes.

lv. An Act for better supplying with Water *Sandown*, *Lake*, *Shanklin*, *Brading*, *Newchurch*, *Ryde*, and other Places in the Parishes of *Brading*, *Shanklin*, and *Newchurch*, and the several Parishes and Places adjacent thereto, in the *Isle of Wight* and County of *Southampton*; and for other Purposes.

lvi. An Act for dissolving and re-incorporating the *Huddersfield* Registered Gaslight Company, and for conferring upon them further Powers for the Supply of Gas to the Borough of *Huddersfield*, and certain neighbouring Townships and Places.

lvii. An Act to enable the *Midland* Railway Company to make new Railways; and for other Purposes.

lviii. An Act to enable the *Ryde* Commissioners to better supply with Water the Town of *Ryde* and the Places adjacent thereto, in the *Isle of Wight*; and for other Purposes.

lix. An Act for maintaining certain Roads and Bridges in the County of the Borough and Town of *Berwick-upon-Tweed* and Counties of *Northumberland* and *Berwick*, and for the Liquidation of the Debt due on the Security of the Tolls taken on the said Roads and Bridges.

lx. An Act to authorize the *Leeds, Bradford, and Halifax Junction* Railway Company to construct a Branch Railway to join the *Birstal* Branch of the *London and North-western* Railway at *Batley* in the West Riding of the County of *York*; and for other Purposes.

lxi. An Act for incorporating the *Universal* Private Telegraph Company, and to enable the said Company to work certain Letters Patent.

lxii. An Act to enable the *Whitehaven, Cleator, and Egremont* Railway Company to extend their Railway from *Frizington* to *Lamplugh* in the County of *Cumberland*; to widen and enlarge their present Railway and Works; to raise further Capital; and for other Purposes.

lxiii. An Act for authorizing the *Stockton and Darlington* Railway Company to make and maintain a new Branch Railway, and to abandon the making of one of their authorized Branch Railways; and for other Purposes.

lxiv. An Act to authorize the entire Abandonment of the *Bangor* Branch of the *Belfast and County Down* Railway.

lxv. An Act to enable the *Mid-Wales* Railway Company to make a Deviation in their authorized Railway; and for other Purposes.

lxvi. An Act for the Enlargement and Regulation of the *Manchester London Road* Station, and for other Purposes.

lxvii. An

lxvii. An Act to enable the *Great Northern and Western* (*of Ireland*) Railway Company to extend their Railway to *Westport*; and for other Purposes.

lxviii. An Act for supplying with Gas the Township of *Elland-cum-Greetland* and adjacent Places in the Parish of *Halifax* in the West Riding of the County of *York*, and for other Purposes.

lxix. An Act to enable the *Portadown, Dungannon, and Omagh Junction* Railway Company to make a Branch Railway to *Aughnacloy* in the County of *Tyrone*; to amend the Acts relating to the Railway; and for other Purposes.

lxx. An Act to vest in the *Great Northern* Railway Company the *Hertford, Luton, and Dunstable* Railway, and for other Purposes relating to the same Company.

lxxi. An Act to authorize the Construction of Bridges over Highways and Arches under a Turnpike Road and Highways in the Parishes of *Wolstanton* and *Audley* in the County of *Stafford*, and for other Purposes.

lxxii. An Act to authorize the making of a Railway from the *Stockton and Darlington* Railway at or near the *Frosterly* Station to *Newlandside* near *Stanhope*, with a Road Approach from *Stanhope*, all in the County of *Durham*; and for authorizing Working Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes.

lxxiii. An Act for making a Railway from *Uxbridge* in the County of *Middlesex* to *Rickmansworth* in the County of *Hertford*, with a Branch to *Scott's Bridge Mill*, to be called "The *Uxbridge and Rickmansworth* Railway," and for other Purposes.

lxxiv. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to raise further Money; and for other Purposes.

lxxv. An Act for the *Manchester and Wilmslow* Turnpike Roads in the Counties Palatine of *Lancaster* and *Chester*.

lxxvi. An Act for making and maintaining of the *Henley-in-Arden* Railway, and for other Purposes.

lxxvii. An Act to enable the Local Board of Health for the Township of *Darlington* to supply Gas and Water in the adjoining Townships of *Cockerton, Blackwell, Whessoe*, and *Haughton-le-Skerne*; to enlarge Market Place, erect a covered Market, make and improve Roads; to vest in the Local Board all the Powers of the Burial Board; to raise additional Money; to levy and alter Tolls and Rates; and amend Acts relating to the Local Board; and for other Purposes.

lxxviii. An Act to make further Provision for the Draining, Warping, and Improvement of *Thorne Moor* in the West Riding of *Yorkshire*.

lxxix. An Act for authorizing the Dock Company at *Kingston-upon-Hull* to make and maintain an additional Dock at *Kingston-upon-Hull* (to be called the Western Dock), and a Railway to connect the same with

the *Hull and Selby* Railway; to alter a Part of the Line of the *Hull and Selby* Railway, and to construct other Works at *Kingston-upon-Hull;* for amending the Acts relating to the Company; for granting more effectual Powers for the Regulation and Management of their Docks; and for other Purposes.

lxxx. An Act for incorporating the *Sowerby Bridge* Gas Company; for enabling the Company to raise further Capital; for better supplying *Sowerby Bridge* and the Neighbourhood thereof with Gas; and for authorizing the Sale of the Undertaking of that Company, and also of the Rights and Powers of the *Sowerby Bridge* Gas Consumers Company (Limited); and for other Purposes.

lxxxi. An Act to grant further Powers to the *Victoria* Station and *Pimlico* Railway Company, with reference to their Share and Loan Capital; and to sanction certain Agreements with the *Great Western* and *London, Chatham, and Dover* Railway Companies; and for other Purposes.

lxxxii. An Act to authorize the Construction of a Bridge across the River *Clwyd*, to be called "The *Rhyl Bridge.*"

lxxxiii. An Act to enable the Right Honourable *William* Earl of *Lonsdale* to make and maintain a Dock or Tidal Basin at *Workington* in the County of *Cumberland*, and a Railway therefrom to join the *Whitehaven Junction* Railway; and for other Purposes.

lxxxiv. An Act to enable the *Edinburgh and Glasgow* Railway Company to raise additional Capital.

lxxxv. An Act for incorporating the *Scottish* Widows Fund and Life Assurance Society, and for other Purposes relating thereto.

lxxxvi. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to make new Railways in the Counties of *Derby* and *Lincoln;* to improve their Station at *Ardwick;* and for other Purposes.

lxxxvii. An Act to authorize the *Wycombe* Railway Company to extend their Railway to *Aylesbury* and to *Oxford;* and for other Purposes.

lxxxviii. An Act to repeal an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Road leading from* Ealand *to the Town of* Leeds *in the West Riding of the County of* York; and granting more effectual Powers in lieu thereof.

lxxxix. An Act for making a Railway from *Banbridge* to *Ballyroney*, with a Branch Railway therefrom to *Rathfriland*, to be called "The *Banbridge Extension* Railway," and for other Purposes.

xc. An Act to revive the Powers for the Purchase of Lands, and to extend the Time for the Completion of Works authorized by the "*Llanidloes and Newtown* Railway (Canal Extension) Act, 1859," and to authorize the *Llanidloes and Newtown* Railway Company to raise additional Capital; and for other Purposes.

xci. An

xci. An Act to amend the Acts relating to the River *Tyne*; and to enable the *Tyne* Improvement Commissioners to construct Docks and other Works, and to remove and rebuild the Bridge of *Newcastle-upon-Tyne*; to make certain Alterations in the Rates charged by the Commissioners; and for other Purposes.

xcii. An Act to empower *Bonelli's* Electric Telegraph Company (Limited) to acquire and work Letters Patent relating to Electric Telegraphs; and for other Purposes.

xciii. An Act for authorizing the *Charing Cross* Railway to make a Line of Railway from their authorized Line into the City of *London*, with an additional Line in *Southwark*, and to raise further Monies; and for other Purposes.

xciv. An Act to extend the Limits of the *Dewsbury and Batley* Gas Company to Part of the Township of *Thornhill*; to authorize the said Company to raise more Money; to amend their Act; and for other Purposes.

xcv. An Act for the Incorporation of the *Burton-upon-Trent* Waterworks Company, and for authorizing them to supply with Water the Town of *Burton-upon-Trent* and the Township of *Barton-under-Needwood* and the Neighbourhoods thereof; and for other Purposes.

xcvi. An Act to enable the *Dunblane, Doune, and Callander* Railway Company to create Preference Shares; and for other Purposes.

xcvii. An Act for incorporating the *Whitworth Vale* Gas Company (Limited), and extending their Powers, and for other Purposes.

xcviii. An Act to enable the *Blyth and Tyne* Railway Company to make a Railway from their Main Line of Railway to *Newcastle-upon-Tyne* and certain Branch Railways in the County of *Northumberland*; to grant further Powers to the Company; to amend the Acts relating to the Company; and for other Purposes.

xcix. An Act to enable the *Limerick and Foynes* Railway Company to raise further Sums.

c. An Act for paving, draining, cleansing, lighting, and otherwise improving the District comprised within the Boundaries of the Township of *Middleton* in the Parish of *Middleton*, and the Township of *Tonge* in the Parish of *Prestwich-cum-Oldham*, both in the County of *Lancaster*; and for other Purposes.

ci. An Act to enable the *Lancashire and Yorkshire* Railway Company to make a Railway between *Salford* and the *Victoria* Station at *Manchester*; and for other Purposes relating to the same Company.

cii An Act for making a Railway from the *Hawick* Line of the *North British* Railway near *Galashiels* to *Peebles*, and for other Purposes.

ciii. An Act for making Railways from the *Oswestry and Newtown* Railway near *Montgomery* to *Bishops Castle* and other Places in the County of *Salop*.

civ. An

civ. An Act to enable the Burial Board of the Parish of *Liverpool* to acquire certain Lands at *Walton-on the-Hill* in *Lancashire*.

cv. An Act to enable the *Kingstown* Waterworks Company to abandon a Portion of their authorized Works, and to construct and maintain other Works; and for other Purposes.

cvi. An Act for enabling the *Midland* Railway Company to construct Works and to acquire additional Lands in the Counties of *Derby*, *Lancaster*, *Nottingham*, *Warwick*, and *Gloucester*, and the West Riding of the County of *York*; for vesting in them the Undertaking of the *Dursley and Midland Junction* Railway Company; and for other Purposes.

cvii. An Act to authorize the *Cork and Youghal* Railway Company to extend their Railway in *Youghal*; and to amend the Acts relating to the Company.

cviii. An Act for incorporating "The *East India* Irrigation and Canal Company;" and for other Purposes connected therewith.

cix. An Act for better supplying with Gas the Townships of *Atherton*, *Bedford*, *Pennington*, *Tyldesley-cum-Shackerley*, *West Leigh*, and other Places in the County of *Lancaster*.

cx. An Act for enabling the *London and North-western* Railway Company to construct new Railways from near *Stockport* to *Northenden* Road near *Cheadle*, and from *Chelford* to *Knutsford*, with Branches therefrom respectively; and for other Purposes.

cxi. An Act for making Railways between the *London and South-western* Railway at *Alton*, *Alresford*, and the Railway of the *London and South-western* Railway Company near to *Winchester*, and for other Purposes.

cxii. An Act for erecting a Suspension Bridge from *Clifton* in the City and County of *Bristol* to the Parish of *Long Ashton* in the County of *Somerset*.

cxiii. An Act for authorizing the *Cheshire Midland* Railway Company to make a Deviation of their authorized Line of Railway; and for authorizing Working and other Arrangements between them and the *Manchester, Sheffield, and Lincolnshire* Railway Company; and for other Purposes.

cxiv. An Act to provide for the leasing of the *Peebles* Railway to the *North British* Railway Company.

cxv. An Act for the building of a new Church in the Township of *Shireoaks* in the Parish of *Worksop* in the County of *Nottingham*; and for other Purposes.

cxvi. An Act for granting further Powers to the *Weston-super-Mare* Gaslight Company, and for extending their Limits for supplying Gas.

cxvii. An Act to incorporate a Company for making a new Bridge from *Lambeth* to *Westminster*.

cxviii. An

cxviii. An Act for transferring from the Grand Jury of the County of *Dublin* to the Commissioners of *Kingstown* the Management of the Roads and Bridges in the said Town, and for better improving the same.

cxix. An Act for making and maintaining a Railway from *Wivenhoe* to *Brightlingsea*, both in the County of *Essex*, and for other Purposes.

cxx. An Act for making a Railway from the *London, Brighton, and South Coast* Railway in the Parish of *Eastergate* in the County of *Sussex* to *Bognor;* and for other Purposes.

cxxi. An Act to increase the Capital and amend the Powers of the *Portsea Island* Gaslight Company.

cxxii. An Act for making a Railway from the *Ulster* Railway near *Lisburn* to the *Belfast and Northern Counties* Railway at *Antrim*, to be called "The *Dublin and Antrim Junction* Railway," and for other Purposes.

cxxiii. An Act for enabling the *London and North-western* Railway Company to acquire additional Lands in connexion with their *Chester and Holyhead* Railway; for renewing certain Powers as to Steamboats; and for other Purposes.

cxxiv. An Act to empower the *Penarth* Harbour, Dock, and Railway Company to raise a further Sum of Money; to make a Road between their Harbour and *Cardiff;* and for other Purposes.

cxxv. An Act for authorizing the Abandonment of the *Thames Haven* Dock and the Dissolution of the Company, and for other Purposes.

cxxvi. An Act for altering the Constitution of the *Westminster* Improvement Commission; for the compulsory Purchase of Lands and the Completion of the Improvements; for facilitating the Sale, Exchange, and Lease of Lands discharged from Incumbrances; and for winding up the Affairs of the Commission; Borrowing Power; and for other Purposes.

cxxvii. An Act to enable the *Sittingbourne and Sheerness* Railway Company to raise additional Capital; to alter, amend, and repeal some of the Provisions of the Acts relating to the Company; and for other Purposes.

cxxviii. An Act for enabling the *London and North-western* Railway Company to construct Railways from *Edgehill* to near *Bootle*, from *Winwick* to *Golborne*, and from *Aston* to *Ditton*, with a Branch to *Runcorn;* to enlarge their *Lime Street* and *Wapping* Stations at *Liverpool;* and for other Purposes.

cxxix. An Act to authorize the Construction of a Railway in *Ireland*, to be called "The *Downpatrick and Newry* Railway."

cxxx. An Act for enabling the *London and North-western* Railway Company to construct Railways from *Eccles* through *Tyldesley* to *Wigan*, with a Branch to *Bedford* and *Leigh;* and for other Purposes.

cxxxi. An Act to authorize the *Fife and Kinross* Railway Company to raise additional Capital.

cxxxii. An Act to empower the *North London* Railway Company to widen a Portion of their Railway; and for other Purposes.

cxxxiii. An Act to authorize the *Metropolitan* Railway Company to make certain Improvements in their Communication with the *Great Northern* Railway and the *Metropolitan* Meat Market at *Smithfield;* to authorize the Purchase of additional Lands for Purposes connected with that Railway; to authorize Arrangements with the Corporation of *London*, and with certain Railway Companies; for amending the Acts relating to the Company; and for other Purposes.

cxxxiv. An Act for vesting the *Birkenhead* Railway in the *London and North-western* Railway Company and the *Great Western* Railway Company, and for other Purposes.

cxxxv. An Act to enable the *North-eastern* Railway Company to construct a Branch Railway between the *North Yorkshire and Cleveland* Railway at *Castleton* and the *Whitby and Pickering* Railway; to make a Deviation in and abandon Part of the last-mentioned Railway; to acquire additional Lands; and for other Purposes.

cxxxvi. An Act to authorize the *South Staffordshire* Railway Company to raise additional Capital; and for other Purposes.

cxxxvii. An Act for more effectually supplying Water to several Towns and Places in *Essex* by a Company to be called "*South Essex* Waterworks Company."

cxxxviii. An Act for making a Railway from the *Londonderry and Enniskillen* Railway in the County of *Tyrone* to the Town of *Bundoran* in the County of *Donegal*, and for other Purposes.

cxxxix. An Act to enable the *Midland* Railway Company to make Railways from the *Leeds* and *Bradford* Line of their Railway to *Otley* and *Ilkley* in the West Riding of the County of *York;* and for other Purposes.

cxl. An Act to provide for the future Election of Commissioners, to confirm certain Acts of the present Commissioners, and to consolidate in One Act the various Provisions for the Management and Regulation of the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny*.

cxli. An Act to enable the *North-eastern* Railway Company to construct Branch Railways between *Arthington*, *Otley*, and *Ilkley;* and for other Purposes.

cxlii. An Act to authorize the Construction of a Railway from the *Great Southern and Western* Railway near *Parsonstown* to *Portumna Bridge* on the River *Shannon*, and for other Purposes.

cxliii. An Act for incorporating the *West Cheshire* Railway Company, and for authorizing them to make and maintain Railways from *Northwich* to *Helsby;* and for other Purposes.

cxliv. An

cxliv. An Act for reviving the Powers of the *Rhymney* Railway Company with respect to their *Bargoed Rhymney* Branch Railway, and for authorizing them to raise further Monies; and for other Purposes.

cxlv. An Act to incorporate the City of *Glasgow* Life Assurance Company, and for other Purposes.

cxlvi. An Act to enable the *Staffordshire Potteries* Waterworks Company to extend their Works, and to raise additional Capital; and to amend the Act relating to the said Company.

cxlvii. An Act to enable the *Great Southern and Western* Railway Company to make a Railway from *Roscrea* in the County of *Tipperary* to *Birdhill* in the same County; and for other Purposes.

cxlviii. An Act to enable the *Great Southern and Western* Railway Company to raise further Sums; and to amend the Provisions of the Acts of that Company with respect to the Transfer of Stock; and to enable them to acquire certain Shares in the Undertaking of the *Limerick and Castle Connell* Railway Company, now held by the *Midland Great Western* Railway of *Ireland* Company, and to purchase additional Lands; and for other Purposes.

cxlix. An Act for the better Drainage of the *Greetwell* District in the County of *Lincoln*.

cl. An Act to enable the *Manchester and Milford* Railway Company to construct a Branch Railway from the *Devil's Bridge* to *Aberystwith*; and for other Purposes.

cli. An Act for extending the Limits within which the *Grand Junction* Waterworks Company may supply Water, and for other Purposes.

clii. An Act to confer additional Powers upon the *Wolverhampton* New Waterworks Company; and for other Purposes.

cliii. An Act to enable the *Great North of Scotland* Railway Company to enlarge their Stations at *Kittybrewster* and at *Aberdeen*, and to alter the Line and Levels of their Dock Branch.

cliv. An Act for incorporating the *Fylde* Waterworks Company; and for authorizing them to make and maintain Waterworks, and to supply Water at *Kirkham*, *Lytham*, *Blackpool*, *Fleetwood*, *Poulton*, *Rossall*, *Garstang*, *Southshore*, and *Bispham* in the County Palatine of *Lancaster*, and to Shipping at *Fleetwood* and *Lytham*.

clv. An Act to make better Provision for supplying with Water the Town and Township of *Blackburn*, and the Townships of *Lower Darwen*, *Livesey*, *Witton*, *Oswaldtwistle*, and *Little Harwood*; and for other Purposes.

clvi. An Act to authorize the Construction in *Lincolnshire* of a Railway from the River *Trent* across the River *Ancholme* to the *Manchester*, *Sheffield*, *and Lincolnshire* Railway.

clvii. An Act for enabling the *Stockton and Darlington* Railway Company to raise additional Capital; and for other Purposes.

clviii. An

clviii. An Act for the Amalgamation of the *Leven* and *East of Fife* Railway Companies.

clix. An Act to enable the *Leven* and *East of Fife* Railway Companies to extend the *East of Fife* Railway to *Anstruther*.

clx. An Act for the draining of Lands in *Airedale*, adjoining and near to the River *Aire*, in the West Riding of the County of *York*; and for other Purposes.

clxi. An Act to enable the *Londonderry and Lough Swilly* Railway Company to extend their Railway to *Buncrana* in the County of *Donegal*.

clxii. An Act to authorize the *Swansea Vale* Railway Company to make certain new Railways; and for other Purposes.

clxiii. An Act to enable the *Dumfries, Lochmaben, and Lockerby Junction* Railway Company to divert their authorized Line of Railway; and for other Purposes.

clxiv. An Act for making a Railway from the *Great Western* Railway to *Hammersmith*, to be called "The *Hammersmith and City* Railway," and for other Purposes.

clxv. An Act to authorize the Construction of a Railway in the West Riding of *Yorkshire*, to be called "The *Barnsley Coal* Railway."

clxvi. An Act for the Enlargement, Regulation, and Management of "The *Citadel* Station" at *Carlisle*, situate at the Junction of the *Lancaster and Carlisle* and the *Caledonian* Railways, and for other Purposes.

clxvii. An Act to authorize the Construction of a Railway from the *Berks and Hants Extension* Railway to *Marlborough* in *Wiltshire*.

clxviii. An Act for making a Railway from the *Limerick and Foynes* Railway to the Town of *Newcastle* in the County of *Limerick*, to be called "The *Rathkeale and Newcastle Junction* Railway," and for other Purposes.

clxix. An Act for the Extension of the *South Yorkshire* Railway across the *Trent* near *Keadby* in *Lincolnshire*, and for granting further Powers to the *South Yorkshire* Railway and River *Dun* Company.

clxx. An Act for better supplying with Gas the Borough of *Wigan* and other Places adjacent thereto in the County Palatine of *Lancaster*.

clxxi. An Act to grant further Powers to the *Waveney Valley* Railway Company as to their Capital.

clxxii. An Act to enable the Lord Mayor, Aldermen, and Burgesses of *Dublin* to construct additional Waterworks; and for other Purposes.

clxxiii. An Act for the further Improvement of the Borough of *Bolton*, and for other Purposes.

clxxiv. An

clxxiv. An Act for making a Railway from the *London, Brighton, and South Coast* Railway at *Uckfield* in the County of *Sussex* to *Tunbridge Wells* in the County of *Kent*, and for other Purposes.

clxxv. An Act for incorporating the *Stockport, Timperley, and Altrincham* Railway Company, and for authorizing them to make and maintain the *Stockport, Timperley, and Altrincham* Railway; and for other Purposes.

clxxvi. An Act for altering and amending the Constitution of the Burgh of *Hawick*; extending the Boundaries thereof; maintaining an efficient System of Police therein; improving the said Burgh; and for other Purposes.

clxxvii. An Act to enable the *Kinross-shire* Railway Company to make certain Branch Railways; and for other Purposes.

clxxviii. An Act to authorize the Construction of a Railway from the *Eastern Counties* Railway to *Saffron Walden* in *Essex*.

clxxix. An Act for enabling the *Conway and Llanrwst* Railway Company to make a Deviation and Alteration of their authorized Line of Railway; and for other Purposes.

clxxx. An Act to grant further Powers to the *East Suffolk* Railway Company; to authorize certain Arrangements with respect to their Share Capital; and to amend the Acts relating to the Company.

clxxxi. An Act for making Railways from *Aberystwith* to various Places in the Counties of *Cardigan, Montgomery, Merioneth*, and *Carnarvon*, to be called "The *Aberystwith and Welsh Coast* Railways," and for other Purposes.

clxxxii. An Act for making a Railway from *Bishop Stortford* through *Dunmow* to *Braintree*, with a Branch therefrom, and for other Purposes.

clxxxiii. An Act to enable the *Cleveland* Railway Company to extend their Railway from *Guisbrough* to the River *Tees*, with Branches connected with that Extension, and to make certain Deviations in the authorized Line of their Railway; to confer certain Powers with reference to other Undertakings; to amend the Act relating to the *Cleveland* Railway; and for other Purposes.

clxxxiv. An Act to enable the *Forest of Dean Central* Railway Company to construct further Works; and for other Purposes connected with their Undertaking.

clxxxv. An Act to amend the *Hatfield Chase* Warping and Improvement Act, 1854.

clxxxvi. An Act for making a Railway from *Forres* to *Birnam* near *Dunkeld*, with a Branch to *Aberfeldy*, to be called "The *Inverness and Perth Junction* Railway;" and for other Purposes.

clxxxvii. An Act for making a Railway to be called "The *Ludlow and Clee Hill* Railway," and for other Purposes.

clxxxviii. An Act to enable the *Mersey* Docks and Harbour Board to purchase from the Corporation of *Liverpool* the Reversion in Fee of certain Leasehold Lands of the Board at *Birkenhead;* to extend the Period for the Completion of certain Works at *Birkenhead;* and to enable the Board to improve the working of the Docks and the loading and unloading of Vessels.

clxxxix. An Act for making Railways from *Much Wenlock* to the *Shrewsbury and Hereford* Railway, and a Railway from the *Much Wenlock and Severn Junction* Railway into *Coalbrookdale*, with Branches and Works connected therewith; to authorize certain Arrangements with and confer certain Powers upon other Companies; and for other Purposes.

cxc. An Act for making a Railway to improve the Communication between *Salisbury* and the Southern Part of the County of *Dorset*, and for other Purposes.

cxci. An Act for conferring further Powers on the *South-eastern* Railway Company with respect to Steam Vessels; and for enabling that Company to make Byelaws for regulating the *London and Greenwich* Railway; and for amending some of the Acts relating to the *South-eastern* Railway Company with respect to the Accounts to be kept by them; and for other Purposes.

cxcii. An Act to enable the *Vale of Clwyd* Railway Company to raise additional Capital.

cxciii. An Act to enable the *Ware, Hadham, and Buntingford* Railway Company to make a Deviation in the authorized Line of their Railway; and for other Purposes.

cxciv. An Act to authorize the Construction of a Railway from *Holme* to *Ramsey* in the County of *Huntingdon*.

cxcv. An Act for making a Railway from the *Stirling and Dunfermline* Railway to the Town of *Alva*.

cxcvi. An Act to empower the *North London* Railway Company to construct a Railway from *Liverpool Street* in the City of *London* to join their existing Railway at *Kingsland;* and for other Purposes.

cxcvii. An Act for enabling the *Coleford, Monmouth, Usk, and Pontypool* Railway Company to lease their Undertaking to the *West Midland* Railway Company; and for other Purposes.

cxcviii. An Act for making a Railway from the *Glasgow, Dumbarton, and Helensburgh* Railway to *Milngavie*, and for other Purposes.

cxcix. An Act for making a Railway from *Lynn* to *Hunstanton*, all in the County of *Norfolk*.

cc. An Act to confer on the *Devon Valley* Railway Company further Powers for the Completion of their Railway; and for other Purposes.

cci. An

ccci. An Act to authorize the Amalgamation of the *Symington, Biggar, and Broughton* Railway Company with the *Caledonian* Railway Company; and for other Purposes.

ccii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from *Rutherglen* to *Coatbridge*, with a Branch to *Whifflat*; and for other Purposes.

cciii. An Act for making a Railway from *Cockermouth* to *Keswick* and *Penrith*, with a Branch thereout, all in the County of *Cumberland*; and for other Purposes.

cciv. An Act for enabling the *Great Western* Railway Company to make and maintain a Railway from *Lightmoor* to *Coalbrookdale*; and for other Purposes.

ccv. An Act for making a Railway from *Kirkcudbright* to *Castle Douglas*, and for other Purposes.

ccvi. An Act to amend the *Birmingham* Improvement Act, 1851, and for other Purposes.

ccvii. An Act for making a Railway from the *Cork and Bandon* Railway near the City of *Cork* to the Town of *Macroom* in the County of *Cork*.

ccviii. An Act to empower the *London and North-western* Railway Company to make Railways at *Burton-upon-Trent*; to confer additional Powers upon them with reference to Parts of their Undertaking; and for other Purposes.

ccix. An Act for extending the Periods for the Purchase of Lands and the Execution of Works for the *Somerset Central* Railway Company's authorized Railway from *Glastonbury* to *Bruton*; for authorizing the *Somerset Central* Railway Company to raise further Monies; and for other Purposes.

ccx. An Act to enable the *South Wales Mineral* Railway Company to extend their Railway to the *Briton Ferry* Docks; and for other Purposes.

ccxi. An Act for better supplying with Water the Borough of *Stockport* in the Counties of *Chester* and *Lancaster*, and the several Townships and Places adjacent or near thereto in those Counties; and for other Purposes.

ccxii. An Act for authorizing the Construction of Railways from the *Severn Valley* Railway to the *West Midland* Railway near *Kidderminster*, and the leasing of the *Wellington and Severn Junction* Railway by the *Great Western* and *West Midland* Railway Companies; and for other Purposes.

ccxiii. An Act for making a Railway from the *West Midland* Railway at *Bransford Bridge* in the County of *Worcester* to the *Shrewsbury and Hereford* Railway near *Leominster* in the County of *Hereford*, and for other Purposes.

ccxiv. An

ccxiv. An Act to enable the *Edinburgh, Perth, and Dundee* Railway Company to make Byelaws for their Piers, Basins, and Works at *Ferry-port-on-Craig* and *Broughty*, and the Ferry between *Ferry-port-on-Craig* and *Broughty*; to vest the *Burntisland and Granton* Ferry in the Company; to construct Siding Accommodations and Works for Supply of Water; to amalgamate the *Kinross-shire* Railway with their Undertaking; and for other Purposes.

ccxv. An Act to repeal and consolidate the several Acts relating to the *Cornwall* Railway Company; to empower them to make a Deviation Railway; to extend the Time for Completion of Parts of their Railway; and for other Purposes.

ccxvi. An Act for granting further Powers to the *Victoria Docks* Gas Company.

ccxvii. An Act for authorizing the *Llanelly* Railway and Dock Company to make and maintain additional Lines of Railway, and to raise further Monies; and for other Purposes.

ccxviii. An Act for authorizing the *Monmouthshire* Railway and Canal Company to make and maintain new Lines of Railway and Deviations, and to acquire other Railways, and for authorizing them to raise additional Capital; and for other Purposes.

ccxix. An Act for authorizing a Lease or Sale of the Railway of the *Saint George's* Harbour Company to the *London and North-western* Railway Company; and for reducing and regulating the Capital of the *Saint George's* Harbour Company; and for other Purposes.

ccxx. An Act for making a Railway between the *London and South-western* Railway at or near to that Railway at *Saint Denis* near *Southampton*, and the Military Hospital at *Netley*, and for other Purposes.

ccxxi. An Act for extending the *Stourbridge* Railway to the *Birmingham, Wolverhampton, and Stour Valley* Railway at *Smethwick*, and for making a Branch Railway in connexion with the *Stourbridge* Railway; for authorizing Arrangements with other Companies; and for other Purposes.

ccxxii. An Act to enable the *Swansea* Harbour Trustees to raise a further Sum of Money for the Purposes of their Undertaking.

ccxxiii. An Act for making a Railway from the *Oswestry and Newtown* Railway at *Oswestry* to the *London and North-western* Railway at *Whitchurch* in the County of *Salop*, and for other Purposes.

ccxxiv. An Act to extend and deviate a Portion of the *Petersfield* Railway.

ccxxv. An Act to enable the Society or Partnership called "The *Westminster* Society for Insurance of Lives and Survivorships and for granting Annuities" to make Provision for satisfying the Liabilities and Engagements of the said Society or Partnership; to confirm an Agreement entered into between the said Society or Partnership and the Society or Partnership called "The *Guardian* Fire and Life Assurance Company;" to dissolve the said *Westminster* Society; and to authorize the

the Distribution among the Members thereof of so much of the Capital of the said *Westminster* Society as shall not be required for the Purpose of satisfying the Liabilities and Engagements thereof.

ccxxvi. An Act to amalgamate the *West of Fife Mineral* Railway Company and the *Charleston* Railway and Harbour Company.

ccxxvii. An Act for authorizing the *Rumney* Railway Company to alter the Line and Levels of their existing Railway, and to make and maintain new Railways in connexion therewith; and for other Purposes.

ccxxviii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from their *Lesmahagow* Line to *Cot Castle* near *Stonehouse;* to extend the *Southfield* Branch of that Line; to enlarge their Station at *Symington;* and for other Purposes.

ccxxix. An Act to enable the *Caledonian* Railway Company to extend their *Cleland* Branch to *Morningside*, and to make Branch Railways to *Omoa* Iron Works, to *Drumbowie*, and to *Lanridge*, all in the County of *Lanark*.

ccxxx. An Act to enable the *Forth and Clyde Junction* Railway Company to make a Branch Railway to *Dalmonach* Printworks in the County of *Dumbarton*, and to create additional Shares; and for other Purposes.

ccxxxi. An Act to enable the *Eastern Counties* Railway Company to make new Lines of Railway; and for other Purposes.

ccxxxii. An Act to enable the *Kilkenny Junction* Railway Company to abandon the Portion of their authorized Line between *Abbeyleix* and *Mountrath*, and instead thereof to make new Lines to the *Maryborough* Station and to the *Roscrea* Junction on the *Great Southern and Western* Railway; and for other Purposes.

ccxxxiii. An Act for extending the *Metropolitan* Railway from *Smithfield* to *Finsbury Circus;* to authorize Arrangements with other Companies; to amend the Acts relating to the *Metropolitan* Railway; and for other Purposes.

ccxxxiv. An Act for increasing the Capital of and conferring further Powers on the *West London Extension* Railway Company; and for other Purposes.

ccxxxv. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to make certain new Lines of Railway; and for other Purposes.

ccxxxvi. An Act for establishing a separate System of Pilotage for the several Ports of *Cardiff*, *Newport*, and *Gloucester*, in the *Bristol Channel*.

ccxxxvii. An Act to increase the Capital of the *Colne Valley and Halstead* Railway Company, and for other Purposes.

ccxxxviii. An Act for providing and constructing Markets, Market Places, and Slaughterhouses, with all necessary Conveniences, within the Parishes of *Saint Mary* and *Saint Bridget* in the City of *Dublin*.

ccxxxix. An Act to authorize a Lease of the *Margate* Railway to the *London, Chatham, and Dover* Railway Company, and for other Purposes.

ccxl. An Act to enable the *London, Chatham, and Dover* Railway Company to make certain Deviations and Junction Lines of Railway; and for other Purposes.

ccxli. An Act to enable the *Margate* Railway Company to extend their Railway to *Ramsgate;* to change their Name; and for other Purposes connected with their Undertaking.

ccxlii. An Act to authorize the Construction in the County of *Glamorgan* of a Railway from the *Vale of Neath* Railway to the *South Wales* Railway at *Swansea,* to be called "The *Swansea and Neath* Railway."

ccxliii. An Act for making a Railway to connect *Chard* and *Taunton* in the County of *Somerset,* and for other Purposes.

ccxliv. An Act to regulate the mutual Facilities to be afforded to Traffic by the *West Hartlepool* Harbour and Railway Company and by the *Stockton and Darlington, South Durham and Lancashire Union,* and *Eden Valley* Railway Companies; to give further Powers to the *West Hartlepool* Harbour and Railway Company with reference to the Management of their Docks and Works; and for other Purposes.

ccxlv. An Act to authorize the Construction of a Railway from the *East Anglian* Railways at *Lynn* to the *Norwich and Spalding* Railway at *Sutton Bridge,* and for other Purposes.

ccxlvi. An Act for making Railways from *Clara* to *Meelick* in the *King's County, Ireland,* and for building a Bridge across the *Shannon* at *Meelick.*

ccxlvii. An Act for making a Railway from the *Mold* Branch of the *Chester and Holyhead* Railway at *Mold* to the *Vale of Clwyd* Railway, to be called "The *Mold and Denbigh Junction* Railway;" and for other Purposes.

ccxlviii. An Act for making a Railway from *Lennoxtown of Campsie* to *Strathblane,* with a Branch to *Lettermill* in the County of *Stirling,* and for other Purposes.

ccxlix. An Act to enable the *West Hartlepool* Harbour and Railway Company to raise further Money; to amend the Acts relating to the Company; and for other Purposes.

# PRIVATE ACTS

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to incorporate the Trustees of "The *Atkinson Institution* of *Glasgow*," acting under the Will of *Thomas Atkinson*, Bookseller and Stationer, of *Glasgow*, deceased, and to enlarge the Powers of such Trustees, the better to enable them to carry out the benevolent Designs of the said Testator.

2. An Act to extend the Powers of Leasing contained in the Will of the Right Honourable *John Savile Lumley Savile* Earl of *Scarbrough* deceased, with respect to certain Estates in the County of *York*, thereby devised, and therein called the *Savile York* Estates; and for other Purposes; and of which the Short Title is "*Savile* Estate (Leasing) Act, 1861."

3. An Act for authorizing the Application for the Maintenance and Benefit of the Children of Sir *Beresford Burston M'Mahon* Baronet of certain Monies by the Will of Sir *William M'Mahon* Baronet, deceased, directed to be accumulated during the Life of Sir *Beresford Burston M'Mahon*.

4. An Act to authorize the Most Noble *George Granville William* Duke and Earl of *Sutherland* and *Anne* Duchess of *Sutherland* to disentail the Estate of *Cromarty*, and to grant a new Entail thereof.

5. An Act to enable the Trustees of the Will of the late Sir *William Fowle Fowle Middleton* to carry into effect certain Contracts affecting his Estates in *London* and *Middlesex*.

6. An Act for the Amendment of an Act of the Parliament of *Ireland* of the Session of the 19th and 20th Years of *George* the Third, incorporating the Trustees of the Hospital founded by *George Simpson* Esquire, and for confirming Leases granted by the Trustees.

7. An Act for confirming Leases granted by Sir *Richard Godin Simeon* Baronet, deceased, and Sir *John Simeon* Baronet, respectively, of Parts of the *Saint John's* Estate in the Parish of *Saint Helens* in the *Isle of Wight*; and for other Purposes; and of which the Short Title is "Sir *John Simeon*'s Leasing Act, 1861."

8. An Act to simplify certain of the Trusts and Provisions in the Settlements of the *Vane Tempest* Estates, and for other Purposes connected therewith.

9. An

9. An Act to authorize the granting of Building and Repairing Leases of Parts of the Estates devised and bequeathed by the Will of the Right Honourable *George* Earl of *Egremont* deceased, or become subject to the Trusts thereof; and for other Purposes.

10. An Act for enabling Trustees to raise Money on Mortgage of the *Hemsworth* Estates in the Counties of *Suffolk* and *Norfolk*, and for giving Powers of Sale and Exchange over the same Estates.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

# INDEX

TO THE

# PUBLIC GENERAL ACTS,

## 24° & 25° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

| | |
|---|---|
| E. *signifies that the Act relates to* | England (and Wales, if the Subject extends so far). |
| S. - - - - | Scotland. |
| I. - - - - | Ireland. |
| E. & I. - - - | England and Ireland. |
| G.B. - - - - - | Great Britain. |
| G.B. & I. - - | Great Britain and Ireland. |
| U.K. - - - - | The whole of the United Kingdom. |

## A.


| | Cap. | Relating to |
|---|---|---|
| ABETTORS. *See* ACCESSORIES AND ABETTORS. | | |
| ABOLITION OF CONTRIBUTIONS BY COUNTIES. *See* QUEEN'S PRISON. | | |
| ACCESSORIES AND ABETTORS; to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences - - | 94. | E. & I. |
| ACCOUNTS (REVENUE DEPARTMENTS); to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Monies voted for the Revenue Departments - - - - - | 93 | G.B. & I. |
| ADMINISTRATION OF JUSTICE. *See* ACCESSORIES AND ABETTORS ASCERTAINMENT OF THE LAW, &c. BANKRUPTCY AND INSOLVENCY. COINAGE OFFENCES. CONJUGAL RIGHTS. CORRUPT PRACTICES PREVENTION. CRIMINAL LAW CONSOLIDATION. CRIMINAL PROCEEDINGS. CROWN SUITS. DOMICILE OF BRITISH SUBJECTS ABROAD. DRUNKENNESS. EAST INDIA. FORGERY. HIGH COURT OF ADMIRALTY. LANDLORD AND TENANT. LARCENY MALICIOUS INJURIES TO PROPERTY. OATHS. OFFENCES AGAINST THE PERSON. STATUTE LAW CONSOLIDATION. STATUTE LAW REVISION. WILLS. | | |

# INDEX TO THE PUBLIC GENERAL ACTS,


| | Cap | Relating to |
|---|---|---|
| ADMINISTRATION, LETTERS OF; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, &c. - - - - | 92. | G B. & I. |
| ——— to amend "The Probates and Letters of Administration Act (Ireland), 1857" (20 & 21 Vict. c. 79.) - | 111. | I. |
| ADMIRALTY; to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse (Devon) - - | 13. | E. |
| ——— to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at Chatham, and to embank Part of the River Medway, &c. | 41 | E. |
| ——— to enable the Admiralty to close the Harbour of Portpatrick in Scotland during the Execution of certain Works in such Harbour sanctioned by Parliament - | 106. | S. |
| ——— *See also* GOVERNMENT OF THE NAVY. | | |
| ADMIRALTY, COURT OF; to extend the Jurisdiction and improve the Practice of the High Court of Admiralty - | 10. | U.K. |
| ADVANCES OF PUBLIC MONIES. *See* PUBLIC WORKS. | | |
| AFFIRMATIONS. *See* OATHS | | |
| AGRICULTURE, to amend the Law relating to the Drainage of Land for - - - - - - - - | 133. | E. |
| AIDS, APPLICATION OF. *See* CONSOLIDATED FUND. | | |
| ALICE MAUD MARY (PRINCESS), to enable Her Majesty to settle an Annuity on Her Royal Highness - - | 15. | U.K. |
| ALLOWANCES TO MILITIA OFFICERS. *See* MILITIA. | | |
| ANNOYANCE JURORS (WESTMINSTER); to repeal certain Enactments relating to nominating and appointing the Householders of Westminster to serve as Annoyance Jurors, and to make other Provisions in lieu thereof - - - | 78. | E. |
| ANNUAL ACCOUNTS (REVENUE DEPARTMENTS); to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Monies voted for the Revenue Departments - - - - - - | 93. | G. B. & I. |
| ANNUITIES, &c, TRANSFER OF; to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities - - - | 3. | U.K. |
| ——— to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively - - - - - | 35. | E. & I. |
| ANNUITY TO THE PRINCESS ALICE; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary - - - - - - | 15. | U.K. |
| APPLICATION OF AIDS *See* CONSOLIDATED FUND. | | |
| APPOINTMENTS (INDIA); to confirm certain Appointments in India, and to amend the Law concerning the Civil Service | 54. | U.K. |
| APPROPRIATION OF SEATS; for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban - - - - - | 112 | E. |
| APPROPRIATION OF SUPPLIES; to apply a Sum out of the Consolidated Fund to the Service of the Year 1861, and to appropriate the Supplies - - - | 103. | U.K. |
| ——— to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of Monies voted for Revenue Departments - | 93. | G. B. & I. |

| | Cap. | Relating to |
|---|---|---|
| ARMY; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - | 7. | U.K. |
| ——— to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons - - - | 74. | U.K. |
| ——— to increase the Amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that Nature of Her Majesty's British Forces serving in India - - - | 89. | U.K. |
| ARRANGEMENTS FOR RELIEF OF TURNPIKE TRUSTS. *See* TURNPIKE ROADS, &c. | | |
| ASCERTAINMENT OF THE LAW OF FOREIGN COUNTRIES, to afford Facilities for the better, when pleaded in Courts within Her Majesty's Dominions - - - | 11. | U.K. |
| ASSESSMENTS (EDINBURGH); to declare the Limits within which increased Assessments are authorized to be raised in the City of Edinburgh, under the Provisions of the Act 23 & 24 Vict. c. 50. - - - - - | 27. | S. |
| ASSESSMENTS FOR RELIEF OF THE POOR; to simplify the Mode of raising the Assessment for the Poor in Scotland - | 37. | S. |
| ASSESSED TAXES. *See* INLAND REVENUE. | | |
| ASYLUMS. *See* LUNATIC ASYLUMS | | |
| ATTORNEYS AND SOLICITORS; to amend the Laws relating to Attorneys and Solicitors in Ireland - - - | 68. | I. |
| AUSTRALIAN COLONIES; to empower the Governors of the several Australian Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies - - - | 52. | U.K. |
| ——— to remove Doubts respecting the Authority of the Legislature of Queensland, and to annex certain Territories to the Colony of South Australia, &c. - | 44. | U.K. |


## B.


| | | |
|---|---|---|
| BALLOTS FOR THE MILITIA. *See* MILITIA. | | |
| BANK OF ENGLAND; to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities; and for other Purposes - | 3. | U.K. |
| ——— *See also* BANK OF IRELAND | | |
| BANK OF IRELAND; to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively, &c. - - - - - - - - | 35. | E. & I. |
| BANKRUPTCY and INSOLVENCY; to amend the Law relating to Bankruptcy and Insolvency in England - - | 134. | E. |
| BARRISTERS. *See* REVISING BARRISTERS. | | |
| BETHLEHEM HOSPITAL; for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison and for the Benefit of Bethlehem Hospital - - | 12. | E. |
| BILLS OF EXCHANGE AND PROMISSORY NOTES, to facilitate the Remedies on, by the Prevention of frivolous or fictitious Defences to Actions thereon - - - - | 43 | I. |

| | Cap. | Relating to |
|---|---|---|
| BONDS. *See* MORTGAGES AND BONDS. | | |
| BOROUGH OF DUBLIN; to amend the Dublin Improvement Act, 1849 (12 & 13 Vict. c. 97.) - - - - | 26. | I. |
| BOUNDARIES OF BURGHS; to amend the Boundaries of Burghs Extension (Scotland) Act (20 & 21 Vict. c. 70.) - - | 36. | S. |
| BRIGHTON. *See* LOCAL GOVERNMENT. | | |
| BRITISH FORCES IN INDIA. *See* EAST INDIA. | | |
| BRITISH WHITE HERRING FISHERY; to make further Provision for the Regulation of the British White Herring Fishery in Scotland - - - - - | 72. | S. |
| BROMSGROVE. *See* LOCAL GOVERNMENT. | | |
| BUILDINGS (METROPOLIS); to amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122.) - - - | 88. | E. |
| BURFORD CHARITIES; for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of Burford (Oxford) - - - - | 22. | E. |
| BURGHS; to amend the Boundaries of Burghs Extension (Scotland) Act (20 & 21 Vict. c. 70.) - - | 36. | S. |
| ——— to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland - - | 107. | S. |


## C.


| | | |
|---|---|---|
| CAPITULAR ESTATES. *See* EPISCOPAL AND CAPITULAR ESTATES. | | |
| CARRIAGE OF GUNPOWDER. *See* GUNPOWDER. | | |
| CARRIAGES, &c. *See* LOCOMOTIVES. | | |
| CHARITABLE USES; to amend the Law relating to the Conveyance of Land for - - - - - | 9. | E. |
| CHARITY COMMISSION; for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of Burford (Oxford) - - - | 22. | E. |
| ——— for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of Reading - | 23. | E. |
| ——— for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson at Temple Balsall (Warwick) - - - | 24. | E. |
| ——— for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed Trinity," at Guildford (Surrey), &c. - - - - - | 32. | E. |
| CHATHAM DOCKYARD; to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at Chatham, and to embank Part of the River Medway - - - - - - - | 41. | E. |
| CHILDREN. *See* LACE FACTORIES. | | |
| CIVIL SERVICE; to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there - | 54. | U.K |
| CIVIL SERVICES. *See* PUBLIC WORKS. | | |
| COAL AND WINE DUTIES; to continue the Duties levied on Coal and Wine by the Corporation of London - - | 42. | E. |
| COINAGE OFFENCES; to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin - - - - - - | 99. | G.B. & I. |
| COLLECTION OF COUNTY CESS; to continue the Act 11 & 12 Vict. c. 32. relating to the Collection of County Cess in Ireland - - - - - - - - | 58. | I. |

| | Cap. | Relating to |
|---|---|---|
| COMBINATION OF PARISHES; to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor - - - - | 18. | S. |
| COMMISSIONERS OF WORKS. *See* PUBLIC OFFICES. | | |
| COMMON FUND OF UNIONS. *See* POOR. | | |
| COMMON LAW PROCEDURE; to facilitate the Remedies on Bills of Exchange and Promissory notes by the Prevention of frivolous or fictitious Defences to Actions thereon - | 43. | I. |
| COMMONS INCLOSURE; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales - - | 1. | E. |
| ——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners - - - - - - | 38. | E. |
| CONJUGAL RIGHTS; to amend the Law regarding Conjugal Rights - - - - - - | 86. | S. |
| CONSOLIDATED FUND; to apply the Sum of 4,000,000*l.* out of the Consolidated Fund to the Service of the Year 1861 - - - - - - | 2. | U.K. |
| ——— to apply the Sum of 3,000,000*l*, out of the Consolidated Fund to the Service of the Year 1861 - | 6. | U.K. |
| ——— to apply the Sum of 10,000,000*l.* out of the Consolidated Fund to the Service of the Year 1861 - | 19. | U.K. |
| ——— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1861, and to appropriate the Supplies granted in the Session 1861 - - - - - | 103. | U.K. |
| ——— to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund - - - - - - - | 5. | U.K. |
| ——— *See also* PUBLIC WORKS, &c. | | |
| CONSOLIDATION OF THE STATUTE LAW. *See* CRIMINAL LAW CONSOLIDATION. | | |
| CONTRIBUTIONS BY COUNTIES, for the Abolition of, for Relief of Prisoners in the Queen's Prison, &c. - - - | 12. | E. |
| CONTRIBUTIONS BY PARISHES. *See* IRREMOVEABLE POOR. | | |
| CONVEYANCE OF LAND FOR CHARITABLE USES, to amend the Law relating to - - - - - - | 9. | E. |
| COPY OF COURT ROLL. *See* ECCLESIASTICAL LEASES. | | |
| COPYRIGHT OF DESIGNS, to amend the Law relating to - | 73. | U.K. |
| CORK INFIRMARY; to authorize the Removal of the Infirmary for the County of Cork from the Town of Mallow to the City of Cork - - - - - - - - | 29. | I. |
| CORNWALL, DUKE OF. *See* CROWN SUITS. | | |
| CORPORATIONS (MUNICIPAL), for amending the Municipal Corporations Act (5 & 6 W. 4. c. 76.) - - - | 75. | E. |
| CORRUPT PRACTICES PREVENTION; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102.) - | 122. | G.B. & I. |
| COUNCILS (EAST INDIES). *See* EAST INDIES. | | |
| COUNTIES, CONTRIBUTIONS BY; for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, &c. - - - - - - | 12. | E. |
| COUNTY CESS; to continue the Act 11 & 12 Vict. c. 32. relating to the Collection of County Cess in Ireland - - | 58. | I. |
| COUNTY SURVEYORS; to enable Grand Juries in Ireland to increase the Remuneration of County Surveyors, and for other Purposes - - - - - - - | 63. | I. |
| COUNTY VOTERS, to amend the Law regarding the Registration of County Voters in Scotland - - - - | 83. | S. |

| | Cap. | Relating to |
|---|---|---|
| CRIMINAL LAW CONSOLIDATION; to repeal certain Enactments which have been consolidated in several Acts of the Session 1861 relating to indictable Offences, &c. - | 95. | G.B. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences - - - | 94. | E. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences - - - - - - | 96. | E. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property - - - - - | 97. | E. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery - - - - - | 98. | E. & I. |
| ——— to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin - - - - - - | 99. | G.B. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person | 100. | E. & I. |
| CRIMINAL PROCEEDINGS; to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings - - - | 66. | E. & I. |
| CROWN SUITS LIMITATION; to amend the Act 9 Geo. 3. c. 16., for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall - - - - | 62. | G.B. & I. |
| CUSTOMS, &c.; to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties - - - | 20. | G.B. & I. |


## D.


| | | |
|---|---|---|
| DEALERS IN OLD METALS, for regulating the Business of - | 110. | E. |
| DEAN FOREST, &c.; to make further Provision for the Management of Her Majesty's Forest of Dean, and of the Mines and Quarries therein and in the Hundred of Saint Briavels | 40. | E. |
| DECLARATIONS *See* OATHS. | | |
| DESERTION. *See* MUTINY. | | |
| DESIGNS, COPYRIGHT OF; to amend the Law relating to the Copyright of Designs - - - - - | 73. | U.K. |
| DISEMBODIED MILITIA. *See* MILITIA. | | |
| DISSOLUTION OF COMBINATIONS OF PARISHES. *See* POOR. | | |
| DIVORCE, ACTIONS FOR. *See* CONJUGAL RIGHTS. | | |
| DOMICILE OF BRITISH SUBJECTS ABROAD, &c.; to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions - - - - - - | 121. | U.K. |
| DOCKS AT LEITH. *See* LEITH HARBOUR AND DOCKS. | | |
| DRAINAGE OF LAND; to amend the Law relating to the Drainage of Land for Agricultural Purposes - - - | 133. | E. |
| DRUNKENNESS, to enable Justices in Ireland to commit to local Bridewells Persons convicted of - - - - | 49. | I. |
| DUBLIN; to amend the Dublin Improvement Act, 1849 (12 & 13 Vict. c. 97.) - - - - - | 26. | I. |
| ——— to make Provision for Salaries for the Revising Barristers for the City of - - - - | 56. | I. |

| | Cap. | Relating to |
|---|---|---|
| DUCHY OF CORNWALL. *See* CROWN SUITS. | | |
| DURHAM. *See* LOCAL GOVERNMENT. | | |
| DURHAM UNIVERSITY, for making Provision for the good Government and Extension of - - - - | 82. | E. |
| DUTIES, RATES, AND TAXES. *See* ASSESSMENTS. COAL AND WINE DUTIES. COUNTY CESS. CUSTOMS. EXCISE. INLAND REVENUE. PASSING TOLLS. STAMP DUTIES. | | |
| DWELLINGS FOR THE LABOURING POOR; to extend the Provisions of the Acts to facilitate the Improvement of Landed Property, and to further provide for the Erection of Dwellings for the Labouring Poor, in Ireland - - - | 34. | I. |


## E.


| | | |
|---|---|---|
| EAST COWES. *See* LOCAL GOVERNMENT. | | |
| EAST INDIA; to make better Provision for the Constitution of the Council of the Governor General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the event of a Vacancy in the Office of Governor General - - | 67. | U.K. |
| ——— for establishing High Courts of Judicature in India - | 104. | U.K. |
| ——— to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there | 54. | U.K. |
| ——— to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India - - - | 25.<br>118. | U.K.<br>U.K. |
| ——— to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons - - - - | 74. | U.K. |
| ——— to increase the Amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that Nature of Her Majesty's British Forces serving in India - - - | 89. | U.K. |
| ——— for amending the Red Sea and India Telegraph Act, 1859 (22 & 23 Vict. c. iv.) - - - - | 4. | U.K. |
| EAST STONEHOUSE. *See* PLYMOUTH MARINE BARRACKS. | | |
| ECCLESIASTICAL COMMISSION; to continue the Act 14 & 15 Vict. c. 104. concerning the Management of Episcopal and Capitular Estates, and further to amend certain Acts relating to the Ecclesiastical Commissioners - | 131. | E. |
| ——— for the Appropriation in favour of the Military Knights and the Churches of Windsor of Two of the Canonries suspended in the Chapel of Windsor, and for making certain Provisions respecting the Naval Knights of Windsor - - - - - | 116. | E. |
| ECCLESIASTICAL LEASES; to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices | 105. | E. |
| EDINBURGH, to declare the Limits within which increased Assessments are authorized to be raised in the City of, under the Provisions of the Act 23 & 24 Vict. c. 50. - | 27. | S. |
| EDINBURGH UNIVERSITY, &c.; to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith under the Act 1 & 2 Vict. c. 55. | 90. | S. |

| | Cap. | Relating to |
|---|---|---|
| ELECTIONS, PARLIAMENTARY; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102). | 122. | G.B. & I. |
| ——— for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban - - - - - | 112. | E. |
| ——— to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers - | 53. | E. & I. |
| ——— to amend the Act 13 & 14 Vict. c. 69., so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland - | 60. | I. |
| ——— to amend the Law regarding the Registration of County Voters in Scotland - - - | 83. | S. |
| EMPLOYMENT OF THE POOR. *See* POOR. | | |
| EMPLOYMENT OF WOMEN. *See* LACE FACTORIES. | | |
| EMPLOYMENTS, QUALIFICATIONS FOR. *See* INDEMNITY | | |
| ENLISTMENT IN INDIA; to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons - - - - - | 74. | U.K. |
| EPISCOPAL AND CAPITULAR ESTATES; to continue the Act 14 & 15 Vict. c. 104., concerning the Management of Episcopal and Capitular Estates, and further to amend certain Acts relating to the Ecclesiastical Commissioners - | 131. | E. |
| EXCISE; granting to Her Majesty certain Duties of Excise [Spirits, &c.] - - - - - - | 21. | G.B. |
| ——— to continue certain Duties of Inland Revenue for the Service of Her Majesty, and alter and repeal certain other Duties - - - - - | 20. | G.B. & I. |
| ——— *See also* INLAND REVENUE. | | |
| EXCHEQUER BILLS; to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund - - - - - | 5. | U.K. |
| ——— *See also* CONSOLIDATED FUND. | | |
| EXPLOSIVE SUBSTANCES. *See* FIREWORKS. | | |


## F.


| | | |
|---|---|---|
| FACTORIES; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts - - - - | 117. | U.K. |
| FIREWORKS; for amending 23 & 24 Vict. c. 139. to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks - | 130. | G.B. & I. |
| FISHERIES; to amend the Laws relating to Fisheries of Salmon | 109. | E. |
| ——— to make further Provision for the Regulation of the British White Herring Fishery in Scotland - | 72. | S. |
| ——— *See also* PUBLIC WORKS. | | |
| FOREIGN COUNTRIES, LAW OF; to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions. | 11. | U.K. |
| FOREIGNERS, &c. *See* DOMICILE, &c. | | |
| FOREST OF DEAN, &c.; to make further Provision for the Management of Her Majesty's Forest of Dean, and of the Mines and Quarries therein, &c. - - - - | 40. | E. |
| FORGERY; to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery - - - - - - - - | 98. | E. & I. |

| | Cap. | Relating to |
|---|---|---|
| FRIVOLOUS DEFENCES. *See* BILLS OF EXCHANGE, &c. | | |
| FURNACES, SMOKE FROM; to amend the Act 20 & 21 Vict. c. 73. for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland - - - - | 17. | S. |

## G.

| | | |
|---|---|---|
| GAS (METROPOLIS); to amend the Metropolis Gas Act (23 & 24 Vict. c. 146.) - - - - - - | 79. | E. |
| GOVERNMENT OF THE NAVY; for the Government of the Navy | 115. | U.K. |
| GOVERNMENT OF INDIA. *See* EAST INDIA. | | |
| GOVERNMENT (LOCAL) of TOWNS, &c.; to amend the Local Government Act (21 & 22 Vict. c. 104.) - - | 61. | E. |
| GOVERNOR GENERAL OF INDIA. *See* EAST INDIA. | | |
| GRAND JURIES; to enable Grand Juries in Ireland to increase the Remuneration of County Surveyors, &c. - - | 63. | I. |
| GRATUITOUS TRUSTEES; to amend the Law relative to the Resignation, Power, and Liabilities of gratuitous Trustees | 84. | S. |
| GUILDFORD HOSPITAL; for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed Trinity" at Guildford (Surrey), and its subsidiary Endowments, with certain Alterations - - - - | 32. | E. |
| GUNPOWDER, &c.; for amending 23 & 24 Vict. c. 139. to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fire-works - - - - - - - - | 130. | G.B. & I. |

## H.

| | | |
|---|---|---|
| HARBOURS, &c.; to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; and to abolish Passing Tolls, &c. - | 47. | G.B. |
| ——— to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland - - - - - - | 45. | G.B. & I. |
| ——— to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes - - | 80. | G.B. & I. |
| ——— *See also* LEITH HARBOUR AND DOCKS; PORTPATRICK HARBOUR. | | |
| HERRING FISHERIES; to make further Provision for the Regulation of the British White Herring Fishery in Scotland - - - - - - - - | 72. | S. |
| HIGH COURT OF ADMIRALTY, to extend the Jurisdiction and improve the Practice of the - - - - | 10. | U.K. |
| HIGH COURTS OF JUDICATURE IN INDIA, for establishing - | 104. | U.K. |
| HOLYHEAD ROAD; to relieve certain Trusts on the Holyhead Road from Debts - - - - - | 28. | E. |
| HUSBAND AND WIFE; to amend the Law regarding Conjugal Rights - - - - - - - - | 86. | S. |

# INDEX TO THE PUBLIC GENERAL ACTS,


| | Cap. | Relating to |
|---|---|---|
| **I.** | | |
| IMPROVEMENT OF LANDED PROPERTY. *See* LANDED PROPERTY IMPROVEMENT, &c | | |
| INCLOSURE; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - - | 1. | E. |
| ——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners - - - - - - | 38. | E |
| INCOME TAX *See* INLAND REVENUE. | | |
| INCUMBENTS, LEASES BY. *See* ECCLESIASTICAL LEASES. | | |
| INDEMNITY; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - - - - - | 77. | G.B. & I. |
| INDIA. *See* EAST INDIA. | | |
| INDICTABLE OFFENCES *See* CRIMINAL LAW CONSOLIDATION. | | |
| INDUSTRIAL SCHOOLS; for amending and consolidating the Law relating to - - - - - - - | 118. 132. | E. S. |
| INFIRMARY FOR CORK; to authorize the Removal of the Infirmary for the County of Cork from the Town of Mallow to the City of Cork - - - - - - | 29. | I. |
| INJURIES (MALICIOUS). *See* MALICIOUS INJURIES TO PROPERTY | | |
| INLAND REVENUE; to amend the Laws relating to the Inland Revenue [Excise; Stamps; Land, Assessed, and Income Taxes] - - - - - - - | 91. | G.B. & I. |
| ——— to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties [Customs, Excise, Income Tax, &c] - - - - - | 20 | G.B & I. |
| INSOLVENCY; to amend the Law relating to Bankruptcy and Insolvency in England - - - - - - - | 134 | E. |
| INVENTORIES, DUTIES ON. *See* STAMP DUTIES, &c. | | |
| IRELAND, ACTS RELATING SPECIALLY TO. *See* ADMINISTRATION, LETTERS OF. ATTORNEYS AND SOLICITORS. BILLS OF EXCHANGE. CORK INFIRMARY. COUNTY CESS. COUNTY SURVEYORS. DRUNKENNESS. DUBLIN. DWELLINGS FOR LABOURING POOR. ELECTIONS, PARLIAMENTARY. GRAND JURIES. LANDED ESTATES COURT. LANDED PROPERTY IMPROVEMENT. LANDLORD AND TENANT. LUNATIC ASYLUMS. PAYMASTERS OF CIVIL SERVICES. PETTY SESSIONS PRIVATE LUNATIC ASYLUMS PROBATE COURT PROMISSORY NOTES. PUBLIC WORKS. REVISING BARRISTERS TRAMWAYS. VOTERS. | | |
| IRREMOVEABLE POOR; to amend the Laws regarding the Removal of the Poor, and the Contribution of Parishes to the Common Fund in Unions - - - - | 55. | E. |
| **J.** | | |
| JUDICATURE (COURTS OF); for establishing High Courts of Judicature in India - - - - - - - - | 104. | U K. |
| JURORS (ANNOYANCE), WESTMINSTER, to repeal certain Enactments relating to nominating and appointing the Householders of Westminster to serve as Annoyance Jurors, and to make other Provisions in lieu thereof - - - | 78. | E |

Cap. Relating to

JUSTICE, ADMINISTRATION OF. *See* ACCESSORIES AND ABETTORS. ASCERTAINMENT OF THE LAW, &c. BANKRUPTCY AND INSOLVENCY. COINAGE OFFENCES. CONJUGAL RIGHTS. CORRUPT PRACTICES PREVENTION. CRIMINAL LAW CONSOLIDATION. CRIMINAL PROCEEDINGS. CROWN SUITS. DOMICILE OF BRITISH SUBJECTS ABROAD. DRUNKENNESS. EAST INDIA. FORGERY. HIGH COURT OF ADMIRALTY. LANDLORD AND TENANT. LARCENY. MALICIOUS INJURIES TO PROPERTY. OATHS. OFFENCES AGAINST THE PERSON. STATUTE LAW CONSOLIDATION. STATUTE LAW REVISION. WILLS.

# L.

LABOURING POOR. *See* DWELLINGS FOR THE LABOURING POOR.

LACE FACTORIES; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts - - - 117. U.K.

LAND, to amend the Law relating to the Drainage of, for Agricultural Purposes - - - - 133. E.

——— to amend the Law relating to the Conveyance of, for Charitable Uses - - - - - 9. E.

——— to authorize the Inclosure of certain Lands in pursuance of Reports of the Inclosure Commissioners - 1. E. 38. E.

LAND TAX. *See* INLAND REVENUE.

LANDED ESTATES COURT (IRELAND); to reduce and alter the Rate of Duty payable on Proceedings under the Statute 21 & 22 Vict. c. 72. Section 88., and for other Purposes - 123. I.

LANDED PROPERTY IMPROVEMENT, &c.; to extend the Provisions of the Acts to facilitate the Improvement of Landed Property, and to further provide for the Erection of Dwellings for the Labouring Poor, in Ireland - - - - 34. I.

LANDLORD AND TENANT; to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (Ireland) Act, 1860 (23 & 24 Vict. c. 154) - - - - - - - - 48. I.

LARCENY, &c.; to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences - - - - - - 96. E. & I.

LAW OF FOREIGN COUNTRIES; to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions - 11. U.K.

LEASES, &c. BY INCUMBENTS RESTRICTION; to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England belonging to Ecclesiastical Benefices - - - - - 105. E.

LEGACY DUTY. *See* STAMP DUTIES.

LEITH HARBOUR AND DOCKS; to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of Leith, under the Authority of the Act 1 & 2 Vict. c. 55. - - - - 90. S.

LETTERS OF ADMINISTRATION. *See* PROBATES AND LETTERS OF ADMINISTRATION.

| | Cap | Relating to |
|---|---|---|
| LEVESON'S (LADY KATHERINE) HOSPITAL; for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson at Temple Balsall (Warwick) - | 24. | E. |
| LIMITATION OF CROWN SUITS; to amend the Act of 9 Geo. 3. c. 16., for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall - - - | 62. | G.B. & I. |
| LISTS AND BALLOTS FOR THE MILITIA. *See* MILITIA. | | |
| LISTS OF VOTERS. *See* VOTERS. | | |
| LLANDILO. *See* LOCAL GOVERNMENT. | | |
| LLANELLY. *See* LOCAL GOVERNMENT. | | |
| LOAN (EAST INDIAN); to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India - - | 25.<br>118. | U.K.<br>U.K. |
| LOANS FOR PUBLIC WORKS. *See* PUBLIC WORKS. | | |
| LOCAL GOVERNMENT; to amend the Local Government Act (21 & 22 Vict. c. 104.) - - - - - | 61. | E, |
| ——— to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98.), relating to the Districts of Brighton, East Cowes, Preston, Morpeth, Bromsgrove, and Durham, &c. - - - - - - | 39. | E. |
| ——— to confirm certain Provisional Orders under the Local Government Act 1858, relating to the Districts of Plymouth, Weston-super-Mare, Llanelly, and Llandilo, &c. - - - - - - | 128. | E. |
| LOCOMOTIVES; for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same - - - - - - | 70. | G.B. |
| LONDON COAL AND WINE DUES; to continue the Duties levied on Coal and Wine by the Corporation of London - | 42. | E. |
| LORD CLERK REGISTER; to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in Scotland - - - - - - - | 81. | S. |
| LUNATIC ASYLUMS; to continue the Act 5 & 6 Vict. c. 123., relating to private Lunatic Asylums in Ireland - - | 57. | I. |


## M.


| | | |
|---|---|---|
| MALICIOUS INJURIES TO PROPERTY; to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property - - - - | 97. | E. & I. |
| MALLOW; to authorize the removal of the Infirmary for the County of Cork from the Town of Mallow to the City of Cork - - - - - - - - | 29. | I. |
| MANUFACTURE AND SALE OF FIREWORKS. *See* FIREWORKS. | | |
| MARINE BARRACKS; to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse, Devon - - | 13. | E. |
| MARINE MUTINY; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - | 8. | U.K. |
| MARINE STORES; for regulating the Business of Dealers in old Metals - - - - - - - | 110. | E. |
| MARRIAGES VALIDITY; to render valid Marriages heretofore solemnized in Trinity Church, Rainow, and in other Churches and Chapels - - - - | 16. | E |

| | Cap. | Relating to |
|---|---|---|
| METALS, OLD. *See* MARINE STORES. | | |
| MEDICAL (NAVAL) SUPPLEMENTAL FUND SOCIETY; to provide for the winding up the Society - - - | 108. | U.K. |
| MEDWAY; to enable the Admiralty to embank Part of the River Medway, &c. - - - - - - | 41. | E. |
| MERCHANT SERVICE. *See* OFFICERS OF RESERVE (ROYAL NAVY). | | |
| METROPOLIS GAS; to amend the Metropolis Gas Act (23 & 24 Vict. c. 146.) - - - - - - - | 79. | E. |
| METROPOLITAN BUILDING ACT; to amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122.) - - - | 87. | E. |
| METROPOLITAN POLICE; for granting Pensions to some Officers and Men in the Metropolitan Police Force; and for other Purposes - - - - | 51. | E. |
| ——— for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes - - - - - | 124. | E. |
| MILITARY KNIGHTS OF WINDSOR. *See* WINDSOR SUSPENDED CANONRIES. | | |
| MILITIA; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - | 120. | G.B. & I. |
| ——— to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers - - - - | 119. | G.B. & I. |
| MORTGAGES AND BONDS, for facilitating the Transfer of, granted by Railway Companies in Scotland - - - - | 50. | S. |
| MORTMAIN; to amend the Law relating to the Conveyance of Land for Charitable Uses - - - - | 9. | E. |
| MORPETH. *See* LOCAL GOVERNMENT. | | |
| MUNICIPAL BOUNDARIES. *See* BURGHS. | | |
| MUNICIPAL CORPORATIONS; for amending the Municipal Corporations Act (5 & 6 W. 4. c. 76.) - - - - | 75. | E. |
| MUTINY; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - | 7. | U.K. |
| ——— for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - | 8. | U.K. |


## N.


| | | |
|---|---|---|
| NAVAL DISCIPLINE. *See* NAVY. | | |
| NAVAL KNIGHTS OF WINDSOR. *See* WINDSOR SUSPENDED CANONRIES. | | |
| NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY; to provide for the winding up the Society - - - - - | 108. | U.K. |
| NAVY; for the Government of the Navy - - - | 115. | U.K. |
| ——— to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve of the Royal Navy - - - - - | 129. | U.K. |
| NEW ZEALAND; to declare the Validity of an Act passed by the General Assembly of New Zealand, to provide for the Establishment of new Provinces - - - - | 30. | U.K. |
| NUISANCES. *See* SMOKE NUISANCE. | | |

| | Cap. | Relating to |
|---|---|---|
| **O.** | | |
| OATHS; to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings - - - - - | 66. | E. & I. |
| OFFENCES. *See* CRIMINAL LAW CONSOLIDATION. | | |
| OFFENCES AGAINST THE PERSON; to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person - - - - - - - | 100. | E. & I. |
| OFFENCES IN TERRITORIES NEAR SIERRA LEONE; for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of Sierra Leone - - - - | 31. | U.K. |
| OFFICES, PUBLIC; to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act, 1859 (22 Vict. c. 19.) - - - - - - - | 33. | E. |
| ——— to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of Saint James's Park as a Site for Public Offices - - - | 88. | E. |
| OFFICES, QUALIFICATIONS FOR. *See* INDEMNITY. | | |
| OFFICERS OF RESERVE (ROYAL NAVY); to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve to the Royal Navy - - - | 129. | U.K. |
| OLD METALS, for regulating the Business of Dealers in - | 110. | E. |
| ORDNANCE SURVEY; to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man - - - | 65. | G.B. |
| OVERSEERS OF THE POOR. *See* PAROCHIAL OFFICERS. | | |
| **P.** | | |
| PARISHES; to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor - - - - - | 18. | S. |
| PARLIAMENTARY ELECTIONS; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102.) - | 122. | G.B. & I. |
| ——— for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban - - - - - - - | 112. | E. |
| ——— to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers - | 53. | E. & I. |
| ——— to amend the Act 13 & 14 Vict. c. 69., so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland - - | 60. | I. |
| ——— to amend the Law regarding the Registration of County Voters in Scotland - - - | 83. | S. |
| PAROCHIAL OFFICES; to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business - - - - | 125. | E. |
| ——— *See also* POOR. | | |
| PAROCHIAL SCHOOLMASTERS; to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters - - - | 107. | S. |
| PASSENGERS (AUSTRALIAN COLONIES); to empower the Governors of the several Australian Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies - - - | 52. | U.K. |

| | Cap. | Relating to |
|---|---|---|
| PASSING TOLLS; to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; and to abolish Passing Tolls, &c. - - | 47. | G.B. |
| PAY. *See* ARMY. MILITIA. NAVY. | | |
| PAYMASTER OF CIVIL SERVICES; to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in Ireland in relation to Advances and Repayments of Public Moneys for Public Works - - | 71. | I. |
| PENSIONS, BRITISH FORCES (INDIA); to increase the Amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that Nature of Her Majesty's British Forces serving in India - - - - - - - - - - | 89. | U.K. |
| PENSIONS (POLICE). *See* METROPOLITAN POLICE. | | |
| PERSONAL ESTATE, to amend the Law with respect to Wills of, made by British Subjects - - - - - - | 114. | U.K. |
| PERSON, OFFENCES AGAINST THE; to consolidate and amend the Statute Law of England relating to Offences against the Person - - - - - - - - | 100. | E. & I. |
| PETTY SESSIONS (IRELAND) ACT AMENDMENT; to enable Justices in Ireland to commit to local Bridewells Persons convicted of Drunkenness - - - - | 49. | I. |
| PIERS AND HARBOURS; to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland - - - - - - - - - | 45. | G.B. & I. |
| PLYMOUTH. *See* LOCAL GOVERNMENT. | | |
| PLYMOUTH MARINE BARRACKS; to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse (Devon) - | 13. | E. |
| POLICE; for granting Pensions to some Officers and Men in the Metropolitan Police Force; and for other Purposes - - - - - - | 51. | E. |
| ——— for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes - - - - - - | 124. | E. |
| POOR; to amend the Laws regarding the Removal of the Poor, and the Contribution of Parishes to the Common Fund in Unions - - - - - | 55. | E. |
| ——— to amend the Law relating to the Removal of Poor Persons to Ireland - - - - - | 76. | E. & I. |
| ——— to simplify the Mode of raising the Assessment for the Poor in Scotland - - - - - | 37. | S. |
| ——— to make Provision for the Dissolution of Combinations of Parishes in Scotland as to the Management of the Poor - - - - - - - - - | 18. | S. |
| ——— to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business - - - - - - | 125. | E. |
| ——— to facilitate Proceedings before Justices under the Acts relating to Vaccination - - - - - | 59. | E. |
| ——— to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, &c. - - - - - - | 80. | G.B. & I. |
| PORTPATRICK HARBOUR; to enable the Admiralty to close the Harbour of Portpatrick in Scotland during the Execution of certain Works in such Harbour sanctioned by Parliament - - - - - - - - - - | 106. | S. |

| | Cap. | Relating to |
|---|---|---|
| POST OFFICE SAVINGS BANKS; to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof - - | 14. | G.B. & I. |
| PRESTON. *See* LOCAL GOVERNMENT. | | |
| PRINCESS ALICE'S ANNUITY; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Alice Maud Mary - - - - - - | 15. | U.K. |
| PRISONERS; for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison and for the Benefit of Bethlehem Hospital - - - | 12. | E. |
| PRIVATE LUNATIC ASYLUMS; to continue the Act 5 & 6 Vict. c. 123., relating to private Lunatic Asylums in Ireland - | 57. | I. |
| PROBATE COURT; to amend "The Probates and Letters of Administration Act (Ireland), 1857," (20 & 21 Vict. c. 79.) - | 111. | I. |
| PROBATE DUTIES, &c.; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions - - - | 92. | G.B. & I. |
| PROMISSORY NOTES; to facilitate the Remedies on Bills of Exchange and Promissory Notes in Ireland by the Prevention of frivolous or fictitious Defences to Actions thereon - | 43. | I. |
| PROPERTY AND INCOME TAX. *See* INLAND REVENUE. | | |
| PROVISIONAL ORDERS. *See* LOCAL GOVERNMENT. TURNPIKE ROADS, &c. | | |
| PUBLIC OFFICES; to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the Public Offices Extension Act, 1859 (22 Vict. c. 19.) - - - - - - | 33. | E. |
| ——— to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of Saint James's Park as a Site for - - - - | 88. | E. |
| PUBLIC WORKS, &c.; to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours; and for other Purposes - | 80. | G.B. & I. |
| ——— to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland - - - - | 85. | I. |
| ——— to provide for the Performance of Duties heretofore performed by the Paymaster of Civil Services in Ireland in relation to Advances and Repayments of Public Moneys for Public Works - - | 71. | I. |


## Q.


| | | |
|---|---|---|
| QUALIFICATIONS FOR OFFICES, &c.; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - | 77. | G.B. & I. |
| QUEENSLAND, to remove Doubts respecting the Authority of the Legislature of, and to annex certain Territories to the Colony of South Australia - - - - | 44. | U.K. |
| QUEEN'S PRISON; for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison and for the Benefit of Bethlehem Hospital - - - | 12. | E. |

| | Cap. | Relating to |
|---|---|---|
| **R.** | | |
| RAILWAY COMPANIES; for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland - - - - - - - - - | 50. | S. |
| RAINOW (CHESTER); to render valid Marriages heretofore solemnized in Trinity Church, Rainow, &c. - - - | 16. | E. |
| RATES, TAXES, AND DUTIES. *See* ASSESSMENTS. COAL AND WINE DUTIES. COUNTY CESS. CUSTOMS. EXCISE. INLAND REVENUE. PASSING TOLLS. STAMP DUTIES. | | |
| READING CHARITIES; for confirming a Scheme of the Charity Commissioners for certain Charities in the Borough of Reading - - - - - - - - | 23. | E. |
| RECEIVER (METROPOLITAN POLICE DISTRICT); for amending the Law relating to the Receiver for the Metropolitan Police District, &c. - - - - - - - | 124. | E. |
| RED SEA AND INDIA TELEGRAPH; for amending the Red Sea and India Telegraph Act, 1859 (22 & 23 Vict. c. iv.) - | 4. | U.K. |
| REGISTER (LORD CLERK) IN SCOTLAND; to repeal the Provisions in certain Acts relative to his Salary - - | 81. | S. |
| REGISTRATION OF VOTERS; to amend the Law regarding the Registration of County Voters in Scotland - - - | 83. | S. |
| RELIEF OF THE POOR *See* POOR. | | |
| RELIEF OF TURNPIKE TRUSTS; to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act - - - | 46. | E. |
| REMOVAL OF THE POOR. *See* POOR. | | |
| REPAYMENT OF PUBLIC MONIES. *See* PUBLIC WORKS. | | |
| REPEAL OF ACTS, &c *See* STATUTE LAW CONSOLIDATION. STATUTE LAW REVISION. | | |
| RESIGNATION, &c. OF TRUSTEES; to amend the Law relative to the Resignation, Power, and Liabilities of gratuitous Trustees - - - - - - - - - | 84. | S. |
| REVENUE DEPARTMENTS ACCOUNTS; to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Appropriation of the Moneys voted for the Revenue Departments - - - - | 93. | G.B. & I. |
| REVISING BARRISTERS; to make Provision for Salaries for the Revising Barristers for the City of Dublin - - | 56. | I. |
| REVISION OF THE STATUTE LAW; for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force - - - | 101. | U.K. |
| ——— *See also* STATUTE LAW CONSOLIDATION. | | |
| ROADS. *See* TURNPIKE ROADS, &c. | | |
| ROYAL MARINE BARRACKS (EAST STONEHOUSE); to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of East Stonehouse (Devon) - - - - - - | 13. | E. |
| ROYAL MARINES; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - | 8. | U.K. |
| ROYAL NAVY; for the Government of the Navy - - | 115. | U.K. |
| ——— to enable Her Majesty to accept the Services of Officers of the Merchant Service as Officers of Reserve of the Royal Navy - - - - - - | 129. | U.K. |

# INDEX TO THE PUBLIC GENERAL ACTS,


| | Cap. | Relating to |
|---|---|---|
| **S.** | | |
| SAINT ALBAN; for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban - - - - - - | 112. | E. |
| SAINT BRIAVELS; to make further Provision for the Management of Her Majesty's Forest of Dean, and of the Mines and Quarries therein and in the Hundred of Saint Briavels (Gloucester) - - - - - - | 40. | E |
| SAINT JAMES'S PARK. *See* SITE FOR PUBLIC OFFICES. | | |
| SALARY OF THE LORD CLERK REGISTER, to repeal the Provisions in certain Statutes relative to the - - | 81. | S. |
| SALE, &c. OF FIREWORKS; for amending 23 & 24 Vict. c. 139. to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks - - - - - - - | 130. | G.B. & I. |
| SALMON FISHERIES; to amend the Laws relating to Fisheries of Salmon - - - - - - - | 109. | E. |
| SAVINGS BANKS; to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof - - - | 14. | G.B. & I. |
| SCHOOLS, &c.; to alter and amend the Law relating to Parochial and Burgh Schools, and to the Test required to be taken by Schoolmasters in Scotland - | 107. | S. |
| ——— for amending and consolidating the Law relating to Industrial Schools - - - - - | 113.<br>132. | E.<br>S. |
| SCOTLAND, ACTS RELATING SPECIALLY TO *See* ADMIRALTY. ASSESSMENTS. BRITISH WHITE HERRING FISHERIES. BURGHS. COMBINATION OF PARISHES. CONJUGAL RIGHTS. COUNTY VOTERS. EDINBURGH. ELECTIONS, PARLIAMENTARY. GRATUITOUS TRUSTEES. INDUSTRIAL SCHOOLS. LEITH HARBOUR, &c. LORD CLERK REGISTER. MORTGAGES AND BONDS. PARISHES. PAROCHIAL SCHOOLMASTERS. POOR. PORTPATRICK HARBOUR. RAILWAY COMPANIES. REGISTRATION OF VOTERS. SMOKE NUISANCE. TRAMWAYS. TRANSFER OF MORTGAGES, &c. TRUSTEES. VOTERS. | | |
| SCOTTISH HERRING FISHERIES *See* BRITISH WHITE HERRING FISHERY. | | |
| SIERRA LEONE; for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of - - - | 31. | U.K. |
| SITE FOR PUBLIC OFFICES; to vest in the Commissioners of Her Majesty's Works and Public Buildings a Portion of Saint James's Park as a Site for Public Offices - - | 88. | E. |
| ——— *See also* PUBLIC OFFICES. | | |
| SMOKE NUISANCE; to amend the Act 20 & 21 Vict. c. 73. for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland - - - - - - | 17. | S. |
| SOLDIERS. *See* ARMY. | | |
| SOLICITORS; to amend the Laws relating to Attorneys and Solicitors in Ireland - - - - - - | 68. | I. |
| SOUTH AUSTRALIA; to remove Doubts respecting the Authority of the Legislature of Queensland, and to annex certain Territories to the Colony of South Australia, &c. - | 44. | U.K. |

| | Cap. | Relating to |
|---|---|---|
| SPIRITS *See* EXCISE | | |
| STAMP DUTIES; to amend the Law for the Collection of the Stamp Duties on Probates, Administrations, Inventories, Legacies, and Successions - - - | 92. | G.B. & I. |
| ——— for granting to Her Majesty certain Duties of Excise and Stamps - - - - - - - - | 21. | G.B. |
| ——— to reduce and alter the Rate of Duty payable on Proceedings under the Statute 21 & 22 Vict. c. 72. s. 88.; and for other Purposes - - - - - - | 123. | I. |
| STATUTE LABOUR ROADS. *See* TURNPIKE ROADS, &c. | | |
| STATUTE LAW CONSOLIDATION, to repeal certain Enactments which have been consolidated in several Acts of the present Session relative to - - - - - | 95. | G.B. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences - - - - - | 94. | E. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences - - - - - - - | 96. | E & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property - - - - - - - | 97. | E. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery - - - - - - - | 98 | E. & I. |
| ——— to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin - - - - - - | 99. | G.B. & I. |
| ——— to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person - - - - - - - | 100. | E & I. |
| STATUTE LAW REVISION; for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force - - - | 101 | U.K. |
| STOCKS, &c., TRANSFER OF; to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities - - - | 3. | U.K. |
| ——— to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, &c. - - - - - - - | 35. | E. & I. |
| STONEHOUSE. *See* PLYMOUTH MARINE BARRACKS. | | |
| SUCCESSION DUTIES. *See* STAMP DUTIES. | | |
| SUDBURY AND SAINT ALBAN; for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban - - - - - | 112. | E. |
| SUMMARY PROCEDURE. *See* BILLS OF EXCHANGE, &c. | | |
| SUPPLY. *See* APPROPRIATION OF SUPPLIES. CONSOLIDATED FUND. EXCHEQUER BILLS. | | |
| SUSPENDED CANONRIES; for the Appropriation in favour of the Military Knights and the Churches of Windsor of Two of the Canonries suspended in the Chapel of Windsor, and for making certain Provisions respecting the Naval Knights of Windsor - - - - - - - | 116 | E. |
| SUSPENSION OF THE MILITIA BALLOTS. *See* MILITIA. | | |
| SURVEY (ORDNANCE); to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man - - | 65. | G.B. |

# INDEX TO THE PUBLIC GENERAL ACTS,


| | Cap. | Relating to |
|---|---|---|
| **T.** | | |
| TAXES, RATES, AND DUTIES. *See* ASSESSMENTS. COAL AND WINE DUTIES. COUNTY CESS. CUSTOMS. EXCISE. INLAND REVENUE. PASSING TOLLS. STAMP DUTIES. | | |
| TENANT AND LANDLORD; to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (Ireland) Act, 1860 (23 & 24 Vict. c. 154.) | 48. | I. |
| TELEGRAPHIC COMMUNICATION BETWEEN ENGLAND AND INDIA. *See* EAST INDIA. | | |
| TEMPLE BALSALL HOSPITAL; for confirming a Scheme of the Charity Commissioners for the Hospital of Lady Katherine Leveson at Temple Balsall (Warwick) - - - | 24. | E. |
| TEST TAKEN BY SCHOOLMASTERS. *See* PAROCHIAL SCHOOLMASTERS. | | |
| TOLLS, to exempt the Volunteer Forces of Great Britain from the Payment of - - - - - | 126. | G.B. |
| ——— *See also* TURNPIKE ROADS, &c. | | |
| TRAMWAYS; to amend the Tramways (Ireland) Act, 1860 (23 & 24 Vict. c. 152.) - - - - | 102. | I. |
| ——— to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in Scotland - - | 69. | S. |
| TRANSFER OF MORTGAGES, &c.; for facilitating the Transfer of Mortgages and Bonds granted by Railway Companies in Scotland - - - - - - - | 50. | S. |
| TRANSFER OF STOCKS, &c.; to make further Provision respecting certain Payments to and from the Bank of England, and to increase the Facilities for the Transfer of Stocks and Annuities, &c. - - - | 3. | U.K. |
| ——— to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of Ireland, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of England and Ireland respectively, &c. - - - - | 35. | E. & I. |
| TREASURY CHEST FUND, for limiting and regulating - - | 127. | U.K. |
| TRINITY CHURCH, RAINOW, to render valid Marriages heretofore solemnized in - - - - - - - | 16. | E. |
| TRUSTEES; to amend the Law relative to the Resignation, Powers, and Liabilities of gratuitous Trustees - - | 84. | S. |
| TRUSTS, CHARITABLE. *See* CHARITY COMMISSION. | | |
| TRUSTS, TURNPIKE. *See* TURNPIKE ROADS, &c. | | |
| TURNPIKE ROADS, &c.; to continue certain Turnpike Acts in Great Britain - - - - - - | 64. | G.B. |
| ——— to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act - - - | 46. | E. |
| ——— for regulating the Use of Locomotives on Turnpike and other Roads, and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same - - - | 70. | G.B. |
| ——— to relieve certain Trusts on the Holyhead Road from Debts - - - - - - - | 28. | E. |
| ——— to exempt the Volunteer Forces of Great Britain from the Payment of Tolls - - - - - | 126. | G.B. |

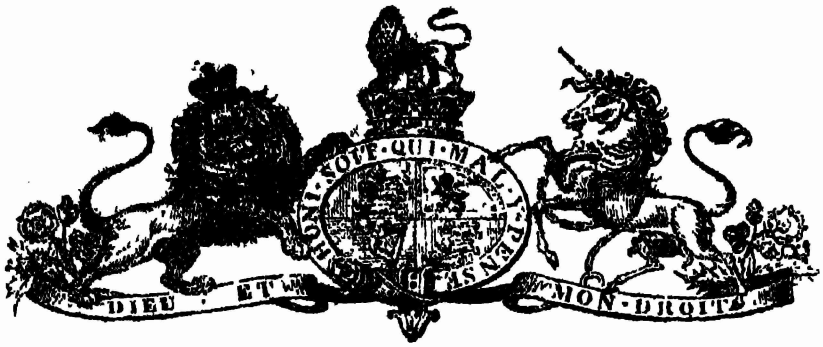
| | Cap | Relating to |
|---|---|---|
| **U.** | | |
| UNIONS. *See* POOR. | | |
| UNIVERSITIES (ELECTIONS); to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers - - - - - - - | 53. | E. & I. |
| UNIVERSITY OF DURHAM; for making Provision for the good Government and Extension of the University of Durham - | 82. | E. |
| UNIVERSITY OF EDINBURGH; to make Arrangements as to the Disposal and Management of Property belonging to the University of Edinburgh, &c. - - - - | 90 | S. |
| **V.** | | |
| VACCINATION; to facilitate Proceedings before Justices under the Acts relating to Vaccination - - - | 59. | E. |
| VALIDITY OF MARRIAGES. *See* MARRIAGES. | | |
| VOLUNTEERS; to exempt the Volunteer Forces of Great Britain from the Payment of Tolls - - - - | 126. | G.B. |
| VOTERS; to amend the Act 13 & 14 Vict c. 69. so far as relates to the Time thereby limited for the Publication of the Lists of Voters objected to in Ireland - - | 60. | I. |
| ——— to amend the Law regarding the Registration of County Voters in Scotland - - - | 83. | S. |
| VOTING PAPERS; to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers - - - - - - - - | 53. | E. & I. |
| **W.** | | |
| WAGGONS. *See* LOCOMOTIVES. | | |
| WESTMINSTER, to repeal the Acts relating to nominating and appointing the Householders of, to serve as Annoyance Jurors, and to make other Provisions in lieu thereof - | 78 | E. |
| WESTON-SUPER-MARE. *See* LOCAL GOVERNMENT | | |
| WHITE HERRING FISHERY; to make further Provision for the Regulation of the British White Herring Fishery in Scotland - - - - - - - - | 72. | S. |
| WILLS AND DOMICILE OF BRITISH SUBJECTS ABROAD, &c; to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions - - - - - - | 121. | U.K. |
| WILLS OF PERSONALTY BY BRITISH SUBJECTS; to amend the Law with respect to Wills of Personal Estate made by British Subjects - - - - - - | 114. | U.K. |
| WINDSOR SUSPENDED CANONRIES; for the Appropriation in favour of the Military Knights and the Churches of Windsor of Two of the Canonries suspended in the Chapel of Windsor, and for making certain Provisions respecting the Naval Knights of Windsor - - - - | 116. | E. |
| WINE DUTIES (LONDON); to continue the Duties levied on Coal and Wine by the Corporation of London - - | 42. | E. |

| | Cap. | Relating to |
|---|---|---|
| WOMEN, &c., EMPLOYMENT OF; to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts - | 117. | U.K. |

WORKS, PUBLIC. *See* PUBLIC WORKS.

YOUNG PERSONS. *See* LACE FACTORIES

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO.

# VICTORIÆ REGINÆ.

## CAP. III.

### An Act to make further Provision respecting certain Payments to and from the Bank of *England*, and to increase the Facilities for the Transfer of Stocks and Annuities, and for other Purposes.

[22d *March* 1861.]

WHEREAS it is expedient that the Rates of Allowance granted to the Governor and Company of the Bank of *England* for their Charges in the Management of the National Debt should be altered, and that new Regulations should be made for limiting the Balances in the Hands of the said Governor and Company of Sums issued for the Payment of Dividends: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. From and after the Fifth Day of *April* One thousand eight hundred and sixty-one there shall be repealed the following Acts; (that is to say,)

From 5th April 1861 the Acts 48 G. 3. c. 4. and 56 G. 3. c. 97. repealed.

(1.) An Act passed in the Forty-eighth Year of the Reign of His late Majesty *George* the Third, intituled *An Act*



*to*

*to authorize the advancing for the Public Service upon certain Conditions a Proportion of the Balance remaining in the Bank of* England *for Payment of unclaimed Dividends, Annuities, and Lottery Prizes, and for regulating the Allowances to be paid for the Management of the National Debt:*

(2.) An Act passed in the Fifty-sixth Year of the Reign of His late Majesty *George* the Third, and intituled *An Act to authorize the advancing for the Public Service a Proportion of the Balance that shall remain from Time to Time in the Bank of* England *for the Payment of Dividends on account of the Public Debt for Lottery Prizes or Benefits not claimed, and Principals of Stocks and Annuities remaining unclaimed:*

Provided that such Repeal shall not affect the Payment to the said Governor and Company of all Charges of Management of the existing Capital of the Unredeemed Public Debt for the Year ending the Fifth Day of *April* One thousand eight hundred and sixty-one in the same Manner as if this Act had not passed.

As to future Payment to the Bank for Management of the Public Debt.

2. There shall be paid to the Governor and Company of the Bank of *England* on some Day between the Sixth Day of *April* and the Fifth Day of *July* One thousand eight hundred and sixty-two, out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, for their Charges in the Management of the Unredeemed Public Debt for the Year ending on the Fifth Day of *April* One thousand eight hundred and sixty-two, and in like Manner on some Day between the Fifth Day of *April* and Fifth Day of *July* in every succeeding Year for the Management of the Debt during the preceding Year ending with the Fifth Day of *April* in each Year until the Fifth Day of *April* One thousand eight hundred and eighty-six, and thenceforth in any and every succeeding Year until Parliament shall otherwise direct, Remuneration at the Rates following; that is to say,

1st. While the whole of such Unredeemed Debt, computed as herein-after mentioned, exceeds Three hundred million Pounds, and does not amount to Four hundred million Pounds, a Sum at the Rate of Four hundred and fifty Pounds *per Annum* for each Million of the Capital:

2d. While the whole of such Unredeemed Debt amounts to Four hundred million Pounds, and does not exceed Six hundred Millions, a Sum at the Rate of Three hundred Pounds *per Annum* for each Million of the Capital:

3d. While the whole of such Unredeemed Debt exceeds Six hundred million Pounds, a Sum at the Rate of Three hundred

hundred Pounds *per Annum* for each Million of the Capital up to Six hundred million Pounds, and a Sum at the Rate of One hundred and fifty Pounds *per Annum* for each Million of the Capital in excess thereof:

Provided always, that in estimating the Amount of Unredeemed Debt for the Purposes of this Act Annuities for Terms of Years shall be taken into account, and shall for the Purpose of making a nominal Capital be valued at Fifteen Years Purchase, if originally granted for a Term exceeding Fifty Years, and at Ten Years Purchase if granted for a Term of Fifty Years or under.

Certain Charges for Managment to cease after 5th April 1860.

3. After the said Fifth Day of *April* One thousand eight hundred and sixty-one there shall cease to be paid to the Governor and Company the following Sums; that is to say,

(1.) The Sum of Four thousand Pounds, Part of the Annuity of One hundred thousand Pounds payable to the said Governor and Company in pursuance of the Act of the Session of the Fifth and Sixth Years of *William* and *Mary*, Chapter Twenty, and subsequent Acts:

(2.) The annual Sum of One thousand five hundred and seventy-nine Pounds Eight Shillings and Fourpence payable to the said Governor and Company in respect of the Management of the Portion of the Capital Stock purchased of the *South Sea* Company, under the Provisions of an Act passed in the Seventh Year of His Majesty King *George* the First, Chapter Five.

So much of 7 & 8 Vict. c. 32. as requires the Bank to deduct certain Sums from Charges for Management repealed, and other Provisions made.

4. So much of the Act of the Session of the Seventh and Eighth Years of Her present Majesty as requires that the Governor and Company of the Bank of *England* shall deduct certain Sums payable by them from the Sums payable to them for the Charges of Management of the Public Unredeemed Debt is hereby repealed, and it is enacted, that the Sum of Sixty thousand Pounds payable by them under the said Act in consideration of the Exemption from Stamp Duties shall be paid on some Day between the Sixth Day of *April* and the Fifth Day of *July* One thousand eight hundred and sixty-two, and within the like Period in every succeeding Year, to the Commissioners of Inland Revenue, and the whole Allowance out of Profits of Issue, being at this Time One hundred and twenty-eight thousand and seventy-eight Pounds, constituting the Residue of the Monies payable by them under the said Act, shall be paid within the like Period to the Account of the Comptroller of the Exchequer at the Bank of *England*, to be carried to and form Part of the Consolidated Fund of the United Kingdom.

5. When-

*Bank of England Payments.*

Regulation as to Balances on the Dividend Account at the Bank.

5. Whenever the Balances in the Hands of the Governor and Company of the Bank of *England* of Sums issued for the Payment of Dividends and Terminable Annuities on account of the National Debt due and not demanded are reduced to a less Sum than One hundred thousand Pounds, the said Governor and Company shall certify the Amount of Deficiency to the Commissioners of the Treasury, and the Commissioners shall as often as they may judge expedient direct the Issue out of the Consolidated Fund of a Sum not exceeding the Amount required to raise the said Balances to the Sum of One hundred thousand Pounds, and within Thirty Days after the Expiration of every Quarter an Account shall be taken of the lowest Amount of the Balances in the Hands of the said Governor and Company on the same Account; and it shall be lawful for the Commissioners of the Treasury, if they think fit, to require the said Governor and Company of the Bank of *England* to repay to the Account of the Comptroller of the Exchequer opened in the Books of the said Bank any Sum by which the said Balances may exceed One hundred thousand Pounds.

Commissioners of National Debt to transmit to Treasury the Amount of Unredeemed Debt on 5th April 1861.

Allowance for Management to be computed on such Amount.

6. The Commissioners for the Reduction of the National Debt shall transmit to the Commissioners of the Treasury, as soon after the Fifth Day of *April* One thousand eight hundred and sixty-one as conveniently may be, a Statement of the total Capital of the Unredeemed Debt as it stands on the said Fifth Day of *April* One thousand eight hundred and sixty-one; and the Allowance for the Management of the Unredeemed Public Debt for the Year ending the Fifth Day of *April* One thousand eight hundred and sixty-two shall be computed on the said Capital, and shall be paid to the said Governor and Company out of the Consolidated Fund, or the growing Produce thereof, in One Sum, before the Fifth Day of *July* One thousand eight hundred and sixty-two, and the Allowance for Management shall be computed and paid in like Manner in every succeeding Year.

Increase of Facilities for the Transfer of Stocks and Annuities.

7. And whereas the said Governor and Company have heretofore closed the Books for Transfer of the various Capital Stocks and Annuities created by Parliament transferable at the Bank of *England*, forming Part of the Unredeemed Public Debt, for a certain Number of Days prior to the Days fixed for the Payment of the half-yearly Dividend thereon respectively, in order to their Convenience in calculating the Dividends due to the several Proprietors thereof, and preparing the Warrants for the same, and during the Period of such closing no Transfers have been permitted, except under Circumstances of special Necessity, and such Transfers have been attended with great Inconvenience, by reason of the Stock so transferred carrying the

the Right to the current Half Year's Dividend: And whereas it is desirable to increase the Facilities for the Transfer of such Stocks: Be it enacted, That it shall be lawful for the said Governor and Company to close the Books for the Transfer of the said several Stocks and Annuities respectively on any Day in the Month preceding that in which the Dividends thereon respectively shall by Law be payable; and the Person or Persons who on the Day of the closing of such Books was or were inscribed as the Proprietor or Proprietors of any Share or Shares of and in such Stocks and Annuities respectively shall, as between him, her, or them, and the Transferee or Transferees thereof, be the Person or Persons entitled to the then current Half Year's Dividend thereon; and the Person or Persons to whom any Transfer shall be made after the Day of the closing of such Books shall not be entitled to the then current Half Year's Dividend on such Stock, but shall take and accept the same exclusive of the Right to the said half-yearly Dividend; provided that the Period for which such Books of Transfer shall be closed shall not exceed Fifteen Days.

**Extending Powers of 56 G. 3. c. 60. as to the Re-transfer of unclaimed Dividends Stock.**

8. And whereas by an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the transferring Stock upon which Dividends shall remain unclaimed for the Space of at least Ten Years at the Bank of* England, *and also all Lottery Prizes or Benefits, and Balances of Sums issued for paying the Principal of Stocks or Annuities, which shall not have been demanded for the same Period, to the Commissioners for the Reduction of the National Debt*, it is enacted, that it shall be lawful for the Governor or Deputy Governor of the Bank of *England* for the Time being to authorize and direct the Accountant General or Secretary of the said Governor and Company for the Time being to re-transfer any Capital Stock which shall have been transferred to the Commissioners for the Reduction of the National Debt under the Circumstances therein mentioned: And whereas it is expedient to extend the Authority in the said Act contained to the Deputy Accountant General and Deputy or Assistant Secretary for the Time being of the said Governor and Company: Be it enacted, That all Transfers directed to be made under the Provisions in that Behalf contained in the said Act to and from the Account of the said Commissioners shall be as valid and effectual, if made by the Deputy Accountant General or the Deputy or Assistant Secretary of the said Governor and Company for the Time being, as if the same had been made by the Accountant General or Secretary of the said Governor and Company for the Time being.

*Bank of England Payments.*

Accounts to be laid before Parliament by the Bank.

**9.** The said Governor and Company shall, within Thirty Days after the meeting of Parliament in every Year, cause an Account to be laid before Parliament of the Amount of the Balances of Sums issued for the Payment of Dividends due and not demanded, and which shall be and remain in their Hands on the Days respectively next before the Issue from the Exchequer of Money for the Payment of Dividends upon account of the National Debt for each of the Four preceding Quarters respectively.

Provision as to closing Books for Transfer of East India Stocks.

**10.** And whereas the said Governor and Company have also heretofore closed, in the Manner and for the Purposes herein-before mentioned, the Books for Transfer of certain Stocks created by the Secretary of State in Council of *India*, under the Authority of certain Acts of Parliament empowering him in that Behalf, and it is desirable that the Provisions herein-before contained shall extend to the said last-mentioned Stocks likewise: Be it enacted, That it shall be lawful for the said Governor and Company in like Manner to close the Books for the Transfer of the said Stocks so created by the Secretary of State in Council for *India* as aforesaid respectively, on any Day in the Month preceding that in which the Dividends thereon respectively shall by Law be due, and thereupon the Rights of the Transferor and Transferee respectively to such Dividends shall be the same as is herein-before provided respecting the Transferor and Transferee of Dividends of other Capital Stocks transferable at the Bank of *England* in the like Case; provided that the Period for which such Books of Transfer shall be closed shall not exceed Fifteen Days.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

## CAP. VII.

### An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [18th *April* 1861.]

WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland* in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by Her Majesty and this present Parliament that a Body of Forces should be continued for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of One hundred and forty-six thousand and forty-four Men, exclusive of Six thousand six hundred and eighty-eight Officers and Men, being the Depôts of Regiments in *India* stationed in *Great Britain*, and exclusive of the Officers and Men belonging to the Regiments and other Corps employed in Her Majesty's *East Indian* Possessions, but including the Officers and Men of the Troops and Companies recruiting for those Regiments and Corps: And whereas no Man can be forejudged [illegible] or Limb, or subjected in Time of Peace to any Kind [illegible] ishment within this Realm, by Martial Law, or in any other Manner than by

Numbers, 146,044 Men.

 Judgment

Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers, who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and Copies printed by the Queen's Printer to be transmitted to Judges, &c.

1. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Army, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary-at-War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or within the *British* Isles, shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishments as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Persons subject to this Act.

2. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, other than Officers and Soldiers belonging to Her Majesty's *Indian* Forces, and to all Persons employed on the Recruiting Service receiving Pay, and all Pensioners receiving Allowances in respect of such Service, and to the Officers and Soldiers belonging to Her Majesty's *Indian* Forces, while such Officers or Soldiers shall be in any Part of the United Kingdom, and to Persons who are or shall be hired to be employed in the Royal Artillery and Military Store Department, and to Master Gunners, and to Conductors of Stores, and to the Corps of Royal Military [illegible]rveyors and Draftsmen, and to all Officers and Persons who ar[illegible] all be serving on the Commissariat Staff or in the Commissari[illegible] Corps, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Army at home

home or abroad, under the Command of any Commissioned Officer, and (subject to and in accordance with the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Ninety-five), to any Out-pensioners of the Royal Hospital, *Chelsea*, who may be called out on Duty in aid of the Civil Power, or for Muster or Inspection, or who having volunteered their Services for that Purpose shall be kept on Duty in any Fort, Town, or Garrison, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

Provisions of this Act to extend to Jersey, Guernsey, &c.

**3.** This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and as to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also as to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also as to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Colonial and Foreign Troops in Her Majesty's Pay to be

**4.** All Officers and Soldiers of any Troops mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately

subject to Provisions of this Act.

immediately from Her Majesty (other than Officers and Soldiers belonging to Her Majesty's *Indian* Forces when out of the United Kingdom) shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *Great Britain* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Provision as to the Militia and Yeomanry Corps.

5. Nothing in this Act contained shall be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only where by any Act for regulating any of the said Forces or Corps the Provisions contained in any Act for punishing Mutiny and Desertion are or shall be specifically made applicable to such Forces or Corps.

Power to constitute Courts-martial.

6. For the Purpose of bringing Offenders against this Act and against the Articles of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding of Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Troops belonging to Her Majesty's Army, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British* Isles, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command: Provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas where a Field Officer is not in Command, in which Case a Captain may be authorized to convene District or Garrison Courts-martial.

Place where Offenders may be tried.

7. Any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or in any other Place whereto he may have come or where he may be after the Commission of

of the Offence, as if the Offence had been committed where such Trial shall take place.

**8.** Every General Court-martial convened within the United Kingdom or the *British* Isles shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service; but no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Powers of General Courts-martial.

**9.** Every District or Garrison Court-martial convened within the United Kingdom or the *British* Isles shall consist of not less than Seven Commissioned Officers, and shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of District or Garrison Courts-martial.

**10.** A Regimental or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it is found to be impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Powers of Regimental or Detachment Courts-martial.

**11.** In Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Courts-martial on Line of March or in Troop Ships, &c.

**12.** It shall be lawful for any Officer commanding any Detachment or Portion of Troops serving in any Place beyond Seas where it may be found impracticable to assemble a General Court-martial, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or resident in any Country in which such Troops are so serving, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of

Powers of Detachment General Courts-martial.

 any

any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army of which such Detachment or Portion forms Part shall have approved and confirmed the same.

As to swearing and summoning of Witnesses.

**13.** All General and other Courts-martial shall administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session or Sheriff or Stewart Courts in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions, in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

**14.** No

**14.** No Officer or Soldier who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

No Second Trial for the same Offence, but Revision may be allowed.

**15.** If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in any Forces belonging to Her Majesty's Army, or Her Majesty's *Indian* Army, or Her Majesty's Royal Marines, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall sleep on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Soldier attested for or in Pay in any Regiment or Corps, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment or Corps, may be deemed

Crimes punishable with Death.

deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death may be commuted for Penal Servitude or other Punishments.

16. In all Cases where the Punishment of Death shall have been awarded by a General Court-martial or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British* Isles, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to Her Majesty, or to the Officer commanding as aforesaid.

Embezzlement, &c. of Stores punishable by Penal Servitude.

17. Any Officer or Soldier of Her Majesty's Army, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Army or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in Scotland or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

As to Execution of Sentences

18. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by

by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Army in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Army in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in England or Ireland, and thereupon such Judge shall make an Order for the Penal Servitude of such Offender in conformity with such Notification; and shall do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Penal Servitude of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be kept in Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons under Sentence of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

of Penal Servitude in the United Kingdom.



19. Whenever

*Mutiny.*

As to Execution of Sentences of Penal Servitude in the Colonies.

19. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any other Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced, or where he may come or be as aforesaid, in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall according to such Directions undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Penal Servitude, by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony, or in the Colony or Place to which he has been so removed or sent respectively.

A Sentence of Penal Servitude may be commuted for Imprisonment.

20. In any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British* Isles, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned, with or without Hard Labour, and with or without Solitary Confinement, for

for the same or such lesser Term as shall seem meet to Her Majesty, or to the Officers commanding as aforesaid.

Of Forfeitures, when combined with Penal Servitude.

**21.** Where an Award of any Forfeiture, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to any Sentence of Penal Servitude, it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British* Isles, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Power to inflict Corporal Punishment.

**22.** Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for Desertion, or for disgraceful Conduct, Misbehaviour, or Neglect of Duty, but no Sentence of Corporal Punishment, awarded by a Regimental Court-martial shall, except in the Case of Mutiny or gross Insubordination herein-before mentioned, be put in execution in Time of Peace without the Leave in Writing of the General or other Officer commanding the District or Station in which the Court may be held; and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

**23.** It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed by the Articles of War.

Power to commute Corporal Punishment for Imprisonment, &c.

**24.** In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to commute a Sentence of Cashiering.

**25.** It shall be lawful for Her Majesty in all Cases whatsoever, instead of causing a Sentence of Cashiering to be put in execution, to order

order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Regimental Rank, or both, as may be deemed expedient.

Marking Deserters.

**26.** On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked Two Inches below and One Inch in rear of the Nipple of the Left Breast with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be clearly seen, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

**27.** A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, but such Solitary Confinement shall not exceed the Periods prescribed by the Articles of War; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and with or without Solitary Confinement not exceeding the Periods prescribed by the Articles of War.

As to Imprisonment of Offenders already under Sentence for previous Offences.

**28.** Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence either of Imprisonment or of Penal Servitude, the Court may award a Sentence of Imprisonment or Penal Servitude, for the Offence for which he is under Trial, to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which any of those Punishments could be otherwise awarded.

Regulations as to Military Prisons.

**29.** It shall be lawful for the Secretary-at-War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building or any Two or more Buildings shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison which, under the Provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised

exercised by the Secretary-at-War; and it shall be lawful for the Secretary-at-War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of the Offenders confined therein; and it shall be lawful for the Secretary-at-War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison; and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the Secretary-at-War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary-at-War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary-at-War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary-at-War, have and exercise in respect of such Prison, and of the Governor, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

**As to the Custody of Military Offenders under Sentence of Court-martial and in other Cases.**

**30.** Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Offence of which he shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard

Labour, and with or without Solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

As to the Removal of Prisoners.

31. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of the United Kingdom, it shall be lawful for the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the District or Garrison in which such Prisoner may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in the United Kingdom, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than such Military Prison as aforesaid, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions other than the United Kingdom, it shall be lawful for the General commanding in chief or the Adjutant General of Her Majesty's Forces in the Case of any such Prisoner, and for the Commander-in-Chief in India in the Case of any Prisoner so confined in any Part of Her Majesty's *Indian* Dominions, and for the General commanding in chief in any Presidency in India in the Case of a Prisoner so therein confined, and for the Officer commanding in chief or the Officer who confirmed the Proceedings of the Court at any Foreign Station in the Case of a Prisoner so there confined, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in any Part of Her Majesty's Dominions there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness

Witness or for Trial; and in the Case of any Prisoner who shall be removed by any such Order from any such Prison, Gaol, or House of Correction either within the United Kingdom or elsewhere to some other Prison or Place either in the United Kingdom or elsewhere, the Officer who gave such Order shall also give an Order in Writing directing the Governor, Provost Marshal, Gaoler or Keeper of such other Prison or Place to receive such Prisoner into his Custody, and specifying the Offence of which such Prisoner shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and the Hour on which he is to be released; and such Governor, Provost Marshal, Gaoler or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be duly discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any Military Prison in any Part of Her Majesty's Dominions, the Secretary of State for War, or any Person duly authorized by him in that Behalf, shall have the like Powers in regard to the Discharge and Delivery over of such Prisoners to Military Custody as may be lawfully exercised by any of the Military Authorities above mentioned in respect of any Prisoners undergoing Confinement as aforesaid in any public Prison other than a Military Prison, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions; and such Prisoner in any of the Cases herein-before mentioned shall accordingly, on the Production of any such Order as is herein-before mentioned, be discharged or delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in such Military Custody under such Order as aforesaid shall be reckoned as Imprisonment under the Sentence for whatever Purpose such Detention shall take place; and such Prisoner may during such Time, either when on board Ship or otherwise, be subjected to such Restraint as is necessary for his Detention and Removal.

Provision for Subsistence of Soldiers when imprisoned in Common Gaols.

**32.** The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, in *Great Britain* and *Ireland*

*Ireland* One Shilling *per Diem*, and in other Parts of Her Majesty's Dominions Sixpence *per Diem*, which the Secretary-at-War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of One Shilling or of Sixpence *per Diem*, as the Case may be, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment of Soldiers in Common Gaols.

**33.** Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain* to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Apprehension of Deserters in the United Kingdom.

**34.** Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended and acting for the County or Borough wherein such Place is situate or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry and to remand the said suspected Person in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained, and if it shall appear to the Satisfaction of such Justice by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in civil Custody to the Head Quarters or Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison

Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Soldiers of his own Regiment or Corps in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or Corps, or to the Party of his Regiment or Corps, in order to his being taken to the Head Quarters or Depôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment; to the end that such Secretary-at-War may order Repayment of such Fees; and when any such Person shall be apprehended and committed as a Deserter in any Part of Her Majesty's Foreign Dominions the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in such Part, or, if the Regiment or Corps be in such Part, the Justice may deliver him into Custody at the nearest Military Post if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such

In Her Majesty's Foreign Dominions.

Justice shall in every Case transmit to the General or other Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

As to the temporary Custody of Deserters in Gaols.

**35.** Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Soldier or other Person conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary-at-War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits prior to joining their Regiments or Corps.

**36.** Any Recruit for Her Majesty's Army who shall desert before joining the Regiment or Corps for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, forfeit his Personal Bounty, and be liable to be transferred to any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their personal Bounty.

Fraudulent Confession of Desertion.

**37.** Any Person who shall confess himself to be a Deserter from Her Majesty's Forces, or from Her Majesty's *Indian* Forces, or from the Embodied Militia, shall be liable to be taken before any Two Justices of the Peace acting for the County, District, City, Burgh, or Place where any such Person shall at any Time happen to be when he shall be brought before them, and on Proof that any such Confession as aforesaid was false, shall by the said Justices be adjudged to be punished, if in England as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Calendar Months; and if, when such Person shall be brought before the said Justices, it shall be proved to their Satisfaction that such Confession has been made, but Evidence of the Truth or Falsehood of such

such Confession shall not at that Time be forthcoming, such Justices are hereby required to remand such Person in the Manner herein-before mentioned, and to transmit a Statement of the Case to the Secretary of State for War, with a Request to be informed whether such Person appears to belong or to have belonged to the Regiment or Corps from which he shall have so confessed himself to have deserted; and a Letter from the War Office in reply thereto, referring to such Statement, and purporting to be signed by or on behalf of the Secretary of State for War, shall be admissible in Evidence against such Person, and shall be deemed to be legal Evidence of the Facts stated therein, and on the Receipt thereof the said Justices shall forthwith proceed to adjudicate upon the Case.

Furlough in case of Sickness.

**38.** When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not then to the Agent of the Regiment or Corps, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by a Court-martial for the same Offence.

**39.** No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again convicted for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class or to the Rank of a Private Soldier by Order of the Commander-in-Chief, or in the Case of a Non-commissioned Officer by Reduction to the Ranks by Order of the Commander-in-Chief or of the Colonel, or in the Militia by Order of the appointed Commandant of the Regiment or Corps; and whenever any Officer or

or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment or Corps to which such Officer or Soldier shall belong, transmit to him a Certificate, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Majesty's Service only for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

40. Any Person attested for Her Majesty's Army or Her Majesty's *Indian* Army, or serving on the permanent Staff of the Disembodied Militia other than as a Commissioned Officer, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master,

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

Master, or his Contract, Work, or Labour, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Military Necessaries or Equipments of such Soldier; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Officers not to be Sheriffs or Mayors.

**41.** No Person who shall be commissioned and in full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County, Borough, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Questions to be put to Recruits on enlisting.

**42.** Every Person authorized to enlist Recruits shall first ask the Person offering to enlist, whether he belongs to the Militia, and also such other Questions as the Military Authorities may direct to be put to Recruits, and shall immediately after giving him Enlisting Money serve him with a Notice in the Form set forth in the Schedule to this Act annexed.

Recruits, when deemed to be enlisted.

**43.** Every Person who shall receive Enlisting Money in manner aforesaid, knowing it to be such, shall, subject to the Provisions herein-after contained, upon such Receipt be deemed to be enlisted

as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted.

When Recruits to be taken before a Justice.

**44.** Every Person so enlisted as aforesaid shall within Ninety-six Hours (any intervening *Sunday*, *Christmas day*, or *Good Friday* not included), but not sooner than Twenty-four Hours after such Enlistment, appear, together with some Person employed in the Recruiting Service, before a Justice of the Peace, not being an Officer of the Army, in order that he may be attested by making the Declaration and taking the Oath herein-after mentioned, or may have an Opportunity of objecting to his Enlistment; and upon such Appearance, the Justice or some Person deputed by him shall fill up the Declaration set forth in the Schedule to this Act annexed, first asking the Recruit the Questions that are requisite for that Purpose, and cautioning him that if he should make any wilfully false Answer thereto, he will be liable to be punished as a Rogue and Vagabond.

Dissent and Relief from Enlistment.

**45.** When a Recruit upon appearing before a Justice for the Purposes aforesaid shall dissent from or object to his Enlistment, and shall satisfy the Justice that the same was effected in any respect irregularly, he shall forthwith discharge the Recruit absolutely, and shall report such Discharge to the Inspecting Field Officer of the District, or in the Case of a Recruit enlisted at the Head Quarters or Depôt of a Regiment to the Officer commanding the same; but if the Recruit so dissenting shall not allege or shall not satisfy the Justice that the Enlistment was effected irregularly, nevertheless, upon Repayment of the Enlisting Money, and of any Sum received by him in respect of Pay, and of a further Sum of Twenty Shillings as Smart Money, he will be entitled to be discharged, and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary of State for War and to the Inspecting Field Officer of the District, shall be paid over to any Person belonging to the Recruiting Party who may demand the same; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Attesting of Recruits.

**46.** If the Recruit on appearing before a Justice shall not dissent from his Enlistment, or dissenting shall within Twenty-four Hours return and declare that he is unable to pay the Sums mentioned in the last Section, the Justice shall require him to make the Declaration herein-before mentioned in the usual Manner, and shall then administer

minister to him the Oath of Allegiance in the Form set forth in the Schedule to this Act annexed; and when the Recruit shall have signed the said Declaration, and taken the said Oath, the Justice shall attest the same by his Signature, and shall deliver to the Recruiting Officer the Declaration so signed and attested; and the Fee for such Attestation, including the Declaration and Oath, shall be One Shilling and no more; and any Recruit shall, if he so wish, be furnished with a certified Copy of the above-mentioned Declaration by the Officer who finally approved of him for the Service.

Recruits, until they have been attested or received Pay not triable by Court-martial; but in certain Cases punishable as Rogues and Vagabonds.

**47.** No Recruit, unless he shall have been attested or shall have received Pay other than Enlisting Money, shall be liable to be tried by Court-martial; but if any Recruit, previously to his being attested, shall by means of any false Answer obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the Purposes aforesaid, or having dissented from his Enlistment, shall wilfully omit to return and pay such Money as aforesaid, in any of such Cases it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be, to adjudge such Recruit, when he shall be brought before them, if in *England*, to be a Rogue and Vagabond, and to sentence him to be punished accordingly, and if in *Scotland* or *Ireland* to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months.

Attested Recruits triable in some Cases either before Two Justices or before a Court-martial.

**48.** Any Recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration herein-before mentioned, shall be liable, at the Discretion of the proper Military Authorities, to be proceeded against before Two Justices in the Manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same, and punished in such Manner as such Court shall direct.

Recruits absconding.

**49.** If any Recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a Justice for Attestation, the Recruiting Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for that Purpose, a Certificate of the Name and Place of Residence, and Description of such Recruit, and of his having absconded, and shall declare the same to be true; and the Justice to whom such Certificate shall be produced

produced shall transmit a Duplicate thereof to the Under Secretary of State for War, in order that the same may appear in the Police Gazette.

Militiamen enlisting into Regular Forces.

**50.** If any Man while belonging to a Militia Regiment shall enlist in and be attested for Her Majesty's Army or Her Majesty's *Indian* Forces, he shall be liable to be tried before a Court-martial on a Charge for Desertion; but it shall be lawful for the Secretary of State for War, on the Confession thereof by such Militiaman, to order that in lieu of his being so tried he shall be subjected to a Stoppage of One Penny a Day of his Pay for Eighteen Calendar Months, to be applied as the Secretary of State for War shall direct, and further to determine whether such Man shall be returned to his Militia Regiment after such Sum shall have been made good, or shall be deemed to be a Soldier, in the same Manner as he would have been if he had not been a Militiaman at the Time of his Attestation, in which latter Case his Service as a Soldier shall not be reckoned for Pension until the Day on which his Engagement for the Militia would have expired: Provided that should the Regiment be within the United Kingdom the Secretary of State for War shall not make such Order without the Consent of the Commanding Officer of the Militia Regiment from which the Man shall have deserted.

Punishment of Persons offending against Laws relating to Enlistment.

**51.** Every Person subject to this Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Army or for Her Majesty's *Indian* Forces shall be liable to be tried for such Offence before a General, District, or Garrison Court-martial, and to be sentenced to such Punishments other than Death or Penal Servitude as such Courts may award.

Enlistment and Re-enlistment abroad.

**52.** It shall be lawful for any Justice of the Peace or Person exercising the Office of a Magistrate within any of Her Majesty's Dominions abroad, not being a General Officer nor holding any Regimental Commission, and for any Person performing the Duties of the Office of *British* Resident within the Territories of any Foreign State in *India*, and for any other Person authorized in that Behalf by any Governor of a Colony, or of any Presidency in *India*, who shall have received a Warrant signed by the Secretary of State for War empowering him to convey such Authority, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Army or into Her Majesty's *Indian* Army; and any such Magistrate or Person as aforesaid shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices in the United Kingdom

Kingdom for all such Purposes of Enlistment and Attestation; and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so attested shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain or for Her Majesty's *Indian* Forces; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier.

Soldiers transferred from one Service to another.

**53.** It shall be lawful for the Commander-in-Chief, or for any Officer authorized by him in that Behalf, to direct that any Soldier attested for any one Branch of the Service shall, on the Application of his Commanding Officer, and with his own Consent, be transferred to some other Branch of the Service, or to some other Regiment or Corps in the same Branch of the Service, either within the United Kingdom or elsewhere; and every Soldier so transferred shall be deemed to be discharged from his former Corps, and shall have a Certificate of Transfer delivered to him: Provided always, that any Soldier attested for the Infantry, and at his own Request transferred to the Cavalry, Artillery, or Engineers, shall be bound to serve for the full Term of such Service as if originally enlisted therein, but any Soldier at his own Request transferred from either of such before-mentioned Services to the Infantry shall be liable to serve for the Term of his original Enlistment.

Re-engagement of Soldiers or of Persons having been Soldiers for a further Term.

**54.** Any Soldier at any Time during the last Six Months of the Term of limited Service for which he shall have first engaged, or any Person having been a Soldier after the Completion of such Term of Service and his Discharge therefrom, may, if approved by his Commanding Officer, or other competent Military Authority, as a fit Person to continue in Her Majesty's Service, be re-engaged or enlisted, to serve for the further Term of Eleven Years in the Infantry, and Twelve Years in the Cavalry, and Nine Years in the Artillery or Engineers, upon making a Declaration, in the Form given in the Schedule annexed to this Act, before any One of Her Majesty's Justices of the Peace in *Great Britain* or *Ireland*, or if not in *Great Britain* or *Ireland* before any Person duly appointed by Her Majesty, by any Warrant signed by the Secretary of State for War in that Behalf, to enlist and attest out of *Great Britain* and

*Ireland* any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service.

Enlistment of Negroes.

**55.** All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving, be deemed to be Soldiers legally enlisted into Her Majesty's Service, and be entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the British Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

**56.** Any Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his Indenture as a Labourer, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his Indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Army; and no Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, or shall be serving in the Embodied Militia, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and shall produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, not having been above the Age of Fourteen when so bound, and

Claims of Masters to Apprentices.

and if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture was so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Five or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

**Punishment of Apprentices enlisting.**

**57.** No Apprentice or indentured Labourer claimed by his Master as aforesaid shall be taken from any Corps or Recruiting Party, except under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper

proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice or indentured Labourer may deliver him to his Master.

Removal of Doubts as to Attestation of Soldiers.

**58.** No Person who shall for Six Months, either before or after the passing of this Act, have received Pay and been borne on the Strength and Pay List of any Regiment or Corps, or Depôt or Battalion of a Regiment or Corps (of which the last Quarterly Pay List, if produced, shall be Evidence), shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation, or on any other Ground whatsoever; but, on the contrary, every such Person shall be deemed to have been duly enlisted and attested.

Authorized Deductions only to be made from the Pay of the Army.

**59.** No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or any of their under Officers, shall receive any Fees or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth day of *April* One thousand eight hundred and sixty-one, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be authorized or required by Her Majesty's Regulations or Articles of War, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer who having received any Officer's or Soldier's Pay shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, shall, if he demand it, be discharged from any further Service.

Suspending Operation of certain Acts herein recited.

**60.** And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of

of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Threepence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, Section Eight, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard or Battle-axes, nor any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have received or be allowed any Quarters in any Part of *Ireland*, save only during such Time or Times as he or they should be on their March as in the same Act is before mentioned, or during such Time as he or they should be and remain in some Seaport Town or other Place in the Neighbourhood of a Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army, or any considerable Part thereof, should be commanded to march from One Part of *Ireland* to another: But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Corps, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act.

6 Anne, c. 14. s. 8. (I.)

**61.** And whereas by the Eleventh Section of the said Act of the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, it is provided and enacted, that no Civil Magistrate or Constable should be obliged to find Quarters for or give Billets to more or other Soldiers than those only whose true Christian and Surnames should be delivered to him in Writing under the Hand of the Officer desiring Quarters or Billets for such Soldiers at the Time such Quarters or Billets should be desired, and that all such Names should be written together and delivered in One Piece of Paper, signed as aforesaid, and that the Christian and Surnames of every Soldier to be quartered or billeted,

Certain Requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

 together

together with the Name of the Person on whom he or they should be billeted or quartered, should be given in Writing by the Constable or Civil Officer billeting or quartering such Soldier, and be contained in the Billet given by such Civil Officer: And whereas it has been found inconvenient and difficult to comply with all the Requirements of the said Enactment: It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in *Ireland*, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; and it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed.

How and where Troops may be billeted.

**62.** It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Out-pensioners when assembled as a local Force by competent Authority, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* shall also be furnished with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route, Care being always taken that Billets be made out for the less distant Houses, in which suitable Accommodation can be found, before making out Billets for the more distant; and in all Places where Cavalry shall be billeted in

in pursuance of this Act, each Man and his Horse shall be billeted in One and the same House, except in case of Necessity; and, except in case of Necessity, One Man at least shall be billeted where there shall be One or Two Horses, and Two Men at least where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March, in the Manner required by this Act, upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or in a different County, in like Manner in every respect as if such Houses were all locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Corps, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables and who are by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men or Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place, with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of

of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or to enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging, where he shall be duly billeted.

Billeting the Guards in and near Westminster.

**63.** The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constables shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionably on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace, for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as

**64.** No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly,

indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Corps, Troop, or Company under the immediate Command of such Justice, and all Warrants, Acts, and Things made, done, and appointed by such Justice for or concerning the same shall be void. Justices in billeting.

**65.** The Innholder or other Person on whom any Soldier is billeted in *Great Britain* shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Soldiers may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain* and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Regiment, Detachment, or Party, shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Soldiers, or Horses are billeted, out of the Pay and Subsistence of such Officers and Soldiers, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum Allowance to Innkeepers.

due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Agent of the Regiment or Corps to pay the Sums due to such Victuallers or other Persons as aforesaid, and to charge the same against such Officers; and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers or Non-commissioned Officers are not enabled to make Payment of the Sums due for the Lodging or Victualling of the Men and Stabling or Forage for the Horses, every such Officer or Non-commissioned Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted by such Officer or Non-commissioned Officer to the Agent of the Regiment or Corps, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer or Non-commissioned Officer.

Interpretation of Act.

**66.** All Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Powers and Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail, in *Great Britain* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary: Provided that no Officer or Soldier shall be billeted in *Great Britain* in any private Houses, or in any Canteen held or occupied under the Authority of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their

Powers and Regulations as to Billets.

Exemptions from Billets.

their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

**Supply of Carriages.**

**67.** For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or other Person duly authorized in that Behalf, shall, on Production to them of such Order, or a Copy thereof certified by the Commanding Officer, by some Officer or Non-commissioned Officer of the Regiment or Corps so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for

for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

**68.** In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary-at-War within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland* the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more

more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

**Supply of Carriages in Cases of Emergency.**

**69.** It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary-at-War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages, kept for Hire, and of all Horses kept to draw Carriages

licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the War Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment, Corps, or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

**70.** It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogue Money and Assessments directed and authorized to be assessed and levied by an Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Routes in Ireland.

**71.** It shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of

of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

**72.** All Her Majesty's Officers and Soldiers, on Duty or on their March, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying any such Persons as aforesaid, or their Baggage, or returning from conveying the same, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

**73.** When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

**74.** Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or

**75.** The Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place

bad Conduct of Soldiers.

Place in *Scotland*, on receiving a Notification from the Secretary-at-War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next after the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice.

**76.** Nothing in this Act contained shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony, or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Commanding Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland* or in Her Majesty's Service; and a Certificate of such Conviction, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for Disobedience by Agents.

**77.** For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary-at-War, or by Her Majesty's Lord Lieutenant or Chief Governor of *Ireland*, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier for a longer Period than the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and,

and if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds:

**Penalty on trafficking in Commissions.**

**78.** Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for or in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Army, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized as an Army Agent or not, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or who shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds and treble the Value of the Consideration where the Commission is not allowed to be sold, or treble the Excess of such Consideration beyond the regular Price.

**Penalty for procuring false Musters.**

**79.** Every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Conviction before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit for every such Offence the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

**Penalty on unlawful recruiting.**

**80.** Every Person (except such Person or Persons as shall be authorized by Beating Order under the Hand of the Secretary-at-War) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or Her Majesty's *Indian* Forces, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Secretary of State in Council of *India*, (as the Case may be,)

be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for inducing Soldiers to desert.

**81.** Any Person who shall in any Part of Her Majesty's Dominions, or by any Means whatsoever, directly or indirectly, procure any Soldier to desert, or attempt to procure or persuade any Soldier to desert, and any Person, who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in pursuit of Deserters.

**82.** Any Officer or Soldier who shall, in pursuit of any Deserter, forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

**83.** If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty

Penalty not exceeding Five Pounds, or to be imprisoned either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable for every such Offence, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, to be imprisoned, either with or without Hard Labour, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor to be imprisoned, with or without Hard Labour, for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours in addition to his original Sentence; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *Great Britain*, shall be deemed to apply to all Military Prisons so far as any such Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by any such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Acts for regulating Gaols to apply to Military Prisons.

84. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

85. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person acting for or on his Behalf on any Pretence whatsoever, or who shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct or for Distinguishment or other Service, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds together with treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds and the treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law:

Law: Provided always, that it shall be lawful for the Legislature of any of Her Majesty's Foreign Dominions, on the Recommendation of the Officer or Officers for the Time being administering the Government thereof, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person or Persons administering the Government of any such Foreign Dominions as aforesaid, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer or Officers as aforesaid in respect of any other Law made or enacted by any such Legislature.

**Penalties upon Civil Subjects offending against the Laws relating to Billets.**

**86.** If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall wilfully cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or

refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain* and *Ireland* for each Horse, in such Quantities and at such Rates as herein-before provided; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, on Duty or on their March, for themselves or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Soldier or a Recruit, with the view of fraudulently obtaining a Billet, or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on Toll Collectors demanding Toll from Officers, Soldiers, or for Carriages;

and on Persons personating Soldiers, &c.

Penalties upon the Military offending against the Law relating to Billets.

**87.** If any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayor, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate of such Conviction shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary-at-War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, from any Person, any Money or Reward for excusing the quarter-

ing

ing of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in the Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

**Penalty on killing Game without Leave.**

**88.** For the better Preservation of Game and Fish in or near Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, shall for every such Offence forfeit the Sum of Five Pounds.

**Form of Actions at Law.**

**89.** Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Calendar Months after the doing thereof, and it shall be lawful for every such Person to plead thereunto the General Issue Not Guilty, and to give all special Matter in Evidence to the Jury; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are by Law given to Defendants; and every Action against any Person for anything done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some One of the Courts

Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland* and in no other Court whatsoever.

Recovery of Penalties.

**90.** All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by and before One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied, in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

**91.** One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall

shall be paid to the General Agent for the Recruiting Service in London, to be at the Disposal of the Secretary-at-War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary-at-War. 5 & 6 W. 4. c. 76.

**92.** Any Justice in the United Kingdom within whose Jurisdiction any Soldier in Her Majesty's Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence of such last legal Settlement before any Justices or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required; provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved. Mode of recording a Soldier's Settlement.

**93.** When any Person shall hold any Canteen under proper Authority of the War Department, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture. Licences of Canteens.

Attestation of Accounts.

**94.** All Muster Rolls and Accounts and Pay and Pension Lists which are required to be verified by Declaration shall be so verified and attested free of Stamp Duty and without Fee or Reward paid for such Declaration or Attestation.

Commissaries, &c. to attest their Accounts.

**95.** All Commissaries, Regimental Paymasters, and all other Accountants for Military Services, Storekeepers, and Barrack Masters, upon making up their Accounts, and all Commissaries and Storekeepers upon returning from any Foreign Service, shall severally make the respective Declarations described in the Schedule to this Act annexed; which Declarations, if made in any Part of the United Kingdom, shall be made before some Justice, or other Person authorized to administer Oaths and Declarations, and if made on Foreign Service, shall be made before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army who shall respectively have Power to administer and receive the same.

Administration of Oaths.

Perjury.

**96.** All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or other Person having Authority to administer Oaths and Declarations; and any Person taking a false Oath or Declaration where an Oath or Declaration is authorized or required by this Act shall be deemed guilty of wilful and corrupt Perjury, or of wilfully making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by Law any Person convicted of wilful and corrupt Perjury is subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury, or of wilfully making a false Declaration, shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act, found guilty thereof by a General, District, or Garrison Court-martial, shall be punished at the Discretion of such Court.

Offences against former Mutiny Acts and Articles of War.

**97.** All Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or punished for any Offence against any

any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

**98.** This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty-one inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-two; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty-one inclusive until the First Day of *May* One thousand eight hundred and sixty-two; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and sixty-one inclusive until the First Day of *August* One thousand eight hundred and sixty-two; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and sixty-one inclusive to the First Day of *September* One thousand eight hundred and sixty-two; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and sixty-two inclusive until the First Day of *January* One thousand eight hundred and sixty-three; and shall be and continue in force within *British Columbia* and *Vancouver's Island*, from the Date of the Promulgation thereof in General Orders there inclusive until the First Day of *January* One thousand eight hundred and sixty-three; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and sixty-three inclusive until the First Day of *February* One thousand eight hundred and sixty-four: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

Duration of this Act.

SCHE-

## SCHEDULES referred to by the foregoing Act.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

*Date* 186

*A. B.*

TAKE Notice, That you enlisted with at o'Clock* on the Day of for the Regiment [*instead of the Words* "for the Regiment," *any Words may be substituted which are applicable to the Case*], and if you do not come to [*here name some Place*] on or before o'Clock* on the Day of for the Purpose of being taken before a Justice, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you may have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be liable to be punished as a Rogue and Vagabond.

You are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representation at the Time of Attestation.

*Signature of the Non-commissioned Officer serving the Notice.* }

* A.M. or P.M., as the Case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I of the Parish of in or near the Town of in the County of , do solemnly and sincerely declare, That I am to the best of my Knowledge and Belief Years of Age; that I am of the Trade or Calling of [*or* of no Trade or Calling, *as the Case may be*]; that I am not an Apprentice; that I am not married; that I do not belong to the Militia, or to the Naval Coast Volunteers, or to any Portion of Her Majesty's Land or Sea Forces; that I have never served Her Majesty by Land or Sea in any Military or Naval Employment whatsoever, except ; that I have never been marked with the Letter D; that I have never been

been rejected as unfit for Her Majesty's Service on any previous Enlistment; that I was enlisted at on the Day of 186 , at o'Clock M. by of , and that I have read [*or* had read to me] the Notice then given to me and understood its Meaning; that I enlisted for a Bounty of and a free Kit, and have no Objection to make to the Manner of my Enlistment; that I am willing to be attested to serve in the Regiment of [*instead of the Words* "in the Regiment," *any Words may be substituted which are applicable to the Case in or for whatever Part of Her Majesty's Dominions the Enlistment may be made*] for the Term of [*the Blank after the Words* "Term of" *to be filled up with Ten Years for Infantry and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided Her Majesty should so long require my Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Recruit.*

_____ *Signature of Witness.*

---

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand, _____ *Signature of Recruit.*

_____ *Witness present.*

The above Declaration and Oath were made before me at this Day of One thousand eight hundred and at o'Clock.

*Signature of Justice* _____

---

DECLARATION to be made by a SOLDIER, or PERSON having been a SOLDIER, on renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in Captain Company in the Regiment [*the foregoing Portion of this Declaration may be altered to suit each particular Case*]; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, for a further Term of Years [*to be filled up with Eleven Years in the Infantry, or Twelve in the Cavalry, or Nine in the Artillery or Engineers, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Artillery, Engineers, and Infantry, or Twenty-four in the Cavalry,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me _____

*Signature of Soldier.*

_____ *Signature of Witness.*

---

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by Trade a and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

---

FORM

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a ; and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

---

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve as an indentured Labourer by Indenture dated the Day of for the Term of Years, and that the said did on or about the Day of abscond and quit my Service without my Consent.

Witness, *&c.* [*as for Apprentice.*]

---

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of and made Oath that was bound to serve as an indentured Labourer to him by Indenture dated the Day of for the Term of Years, and that the said indentured Labourer did on or about the Day of abscond and quit the Service of the said without his Consent.

---

FORM

*Mutiny.*

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I . do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than Public Purposes, according to the Duty of my Office.

Declared before me by the within-named }
this Day of . }
*Justice of the Peace of*
or *Commander in Chief*, or *Second in Command, et cætera, the Army serving in* *et cætera* [*as the Case may be*].

FORM of DECLARATION of ATTESTATION of a STOREKEEPER'S ACCOUNTS.

I , Storekeeper at , do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Imprests, or for Rents, Sale of old Stores, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever beyond my Salary and authorized Allowances, except the trifling Advantage which may have arisen in respect to the fractional Parts of a Penny in the Totals of the Pay Lists, as sanctioned by the Regulations of 19th December 1832 $\frac{8}{1170}$ (See Art. 246, at Page 65, of Home Regulations); and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to , have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

*Storekeeper at* ,

Declared before me at
this Day of 18

,
*Magistrate for* ,

FORM

FORM of DECLARATION of ATTESTATION of a BARRACK MASTER'S ACCOUNTS.

I , Barrack Master of the Barracks at , do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Imprests, or for Rents, Damages, and Deficiencies, washing Sheets, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever from or on account of the Purchase or Issue of any of the Articles for the Service of the said Barracks, nor have I any Property in Lands, Houses, Tenements, or any Article used or employed in the Service of the War Department; and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to , have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

_____,
*Barrack Master at* _____

Declared before me at
this Day of 18

_____,
*Magistrate for* _____.

---

FORM of DECLARATION of ATTESTATION of a PAYMASTER'S ACCOUNTS.

I do solemnly and sincerely declare, That the foregoing Pay List of the Regiment of , for the Period ended 186 , contains Charges of Pay for only such Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates as were effective and entitled to Pay during, and regularly mustered at, the Periods set against their Names; that all those Men who were not present at the respective Musters taken by me on the , the , and the have the true Reasons of their Absence stated against their Names; and that every Absence affecting the Pay or Allowances of such Men which occurred between the respective Musters is properly accounted for.

*Mutiny.*

Also, that the List of Commissioned Officers prefixed to the said Pay List contains a true and just Statement of the Names of all the Commissioned Officers who have been effective and entitled to Pay as belonging to the said Regiment for the Periods therein set down against their respective Names; also, that all the Remarks opposite to their Names on the Muster Roll have been correctly copied therein; and that the Sum debited in the general State of this Pay List for the Pay of Officers has been actually received by me and paid to them respectively.

Also, that the whole of the Sums debited in this Pay List and Account, amounting to , have been actually and bonâ fide disbursed by me in conformity with the established Regulations, and that the total Sum received, drawn for, or required to be remitted for the several Services therein charged, including every Receipt whatever, for which I am required to give Credit in these Accounts, is

Also, that the Statement at the Foot of this Page contains a full and correct List of all Abstracts of Examination, and of all Decisions on Abstracts of Examination, of the Pay List of this Regiment received between the of 186 (the Date of the last Pay List transmitted to the War Office being that for the Period ended the 186 ) and the of 186 , the Date of this Pay List.

Also, that the total Amount of the Sums disallowed in the said Decisions is credited in this Pay List, in conformity with Article 21 of the explanatory Directions, dated the 1st July 1848.

Also, that to the best of my Knowledge and Belief, both my Sureties are now living; that the Property of each is at least double that for which he is Surety; and that they respectively reside at the Places under mentioned.

| Names of Sureties. | Places of Residence. |
|---|---|
| | |
| | |

Declared and subscribed before me at this Day of 186 .

_____ *Paymaster.*

_____ *Justice of the Peace for* _____

Witnesses { _____ *Commanding Officer.*
_____ *Adjutant.*

FORM

FORM of DECLARATION of ATTESTATION of the ACCOUNTS of a MILITARY ACCOUNTANT.

I HEREBY solemnly and sincerely declare, That this Account, comprised in Folios, is just and true, according to the best of my Knowledge, Information and Belief; and I make this Declaration, conscientiously believing the same to be true.

*Military Accountant.*

Declared before me, at , this Day of 18 } *Justice of the Peace for* _____.

*Mutiny.*

No.

DESCRIPTION RETURN of who was apprehended [or "surrendered himself," *as the Case may be*,] on the Day of and was committed to Confinement at on the Day of as a Deserter from [*insert Regiment or Corps*].

| | |
|---|---|
| Age | |
| Height | Feet. Inches. |
| Complexion | |
| Hair | |
| Eyes | |
| Marks | |
| Probable Date of Enlistment, and where | |
| Probable Date of Desertion, and from what Place | |
| * Name and Occupation and Address of the Person by whom apprehended | |
| * Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds | |

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——————*Signature and Address of Magistrate.*
——————*Signature of Prisoner.*
——————*Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————*Signature of Military Medical Officer, or of § Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

§ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

***

Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

1. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to make, ordain, alter, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, and for regulating the Proceedings of Courts-martial, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or within the *British* Isles shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which may be inconsistent with the Provisions of this Act.

Offences against former Mutiny Acts and Articles of War.

2. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of

of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

3. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for Good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Provisions of this Act to extend to Jersey, &c.

4. Nothing in this Act contained shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony or Misdemeanor, or of any Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall,

The ordinary Course of Law not to be interfered with.

shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering, &c.

5. No Person subject to this Act having been acquitted or convicted of any Crime or Offence by the Civil Magistrate or by the Verdict of a Jury shall be liable to be again tried for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class, or to the Rank of a Private Marine by Order of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or in the Case of a Non-commissioned Officer, by Reduction to the Ranks, by Order of the Commandant of the Division to which such Non-commissioned Officer may belong; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

6. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of or be on board any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy for the Time being, and shall and may be proceeded against and punished for Offences committed by them whilst so borne or on board, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations,

Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore; and with or without any Commission or Warrant from the said Lord High Admiral or the said Commissioners for that Purpose, the Officer commanding in chief or commanding for the Time being any such Marine Officers or Marines shall have Power and Authority to convene, and to authorize any Officer to convene, Courts-martial under this Act, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Officers or Marines may be tried and punished for the like Offences under the Authority of this Act; or if the Commissioners for executing the Office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any Offence committed by him on shore, whether he be or be not amenable to a Naval Court-martial for the same.

**Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.**

7. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, or before or after any such Commission or Warrant shall be granted, provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas, where a Captain may be

Place where Offenders may be tried.

be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Power of General Courts-martial.

**8.** Every General Court-martial convened within the United Kingdom or the *British* Isles shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer of Marines or Marine to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service; but no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Powers of District or Garrison Courts-martial.

**9.** Every District or Garrison Court-martial convened within the United Kingdom or the *British* Isles shall consist of not less than Seven Commissioned Officers, and shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of Divisional and Detachment Courts-martial.

**10.** A Divisional or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it be found impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

**11.** In Cases of Mutiny and gross Insubordination or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

Powers of Detachment General

**12.** It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces, upon Complaint

plaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any Country in which Her Majesty's Royal Marine Forces are so serving, by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Courts-martial.

**13.** When it is necessary or expedient, a Court-martial composed exclusively of Officers of the Royal Marines, or a Court-martial composed of Officers of Her Majesty's Army, or of Her Majesty's *Indian* Army, or of both or of either, together with Officers of the Royal Marines, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces, may try a Person belonging to any One of the said Three Services; provided that when the Person to be tried shall belong to Her Majesty's Royal Marine Forces, then the Provisions of this Act, or of such Act as shall be then and there in force for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein respectively prescribed, and the Rules and Articles of War relating to the Royal Marines then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto; but where the Person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's *Indian* Army, and be within the United Kingdom, then the Proceedings of such Court shall be regulated as if the Court were composed of Officers of Her Majesty's Army only, and the Provisions of the Act then and there in force for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, and the Rules and Articles of War relating to Her Majesty's Army then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto; and where the Person to be tried shall belong to Her Majesty's *Indian* Army and be out of the United Kingdom, the Provisions of such Act or Acts as shall be then and there in force for punishing Mutiny and Desertion of Officers and Soldiers in Her Majesty's *Indian* Army, and the Rules and Articles of War, if any, relating to such Officers and

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

and Soldiers then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto.

If no Superior Officer of Land Forces is present in Command of a District, &c., an Officer of Marines may convene a Court-martial.

14. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as before stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Court-martial.

15. The President of every Court-martial shall be appointed by or under the Authority of the Officer convening such Courts, and shall in no Case be the confirming Officer, or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned, nor in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions the Officer convening such Court may be the President thereof.

16. In

**16.** In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President, such Objection, unless allowed by Two Thirds at least of the other Officers appointed to form the Court, shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Proceedings at Trial.

**17.** All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested;

Swearing and summoning Witnesses.

arrested; or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, Sheriff or Stewart Courts in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

**Previous Convictions to be put in Evidence.**

**18.** After any Person subject to this Act has been found guilty of any Charge or Charges the Court before which any such Person shall have been tried, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, may receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Divisional or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books or any of them, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to

to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

**No Second Trial, but Revision allowed.**

**19.** No Officer or Marine who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

**Crimes punishable with Death.**

**20.** If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subjected to, or not be liable to or punishable by, the Laws relating to the Government of

of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall sleep on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

**Commutation of Death for Penal Servitude or other Punishment.**

**21.** In all Cases where the Punishment of Death shall have been awarded by a General Court-martial or by a Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British* Isles, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence

Sentence to be carried into execution, to order the Offender to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to Her Majesty or to the Officer commanding as aforesaid.

**Embezzlement punishable by Penal Servitude, &c.**

**22.** Any Officer or Marine, or any Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to any of Her Majesty's Forces or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks, if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained; and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

**As to Execution of Sentences of Penal Servitude in the United Kingdom;**

**23.** Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such

Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Penal Servitude of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be kept in Penal Servitude shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on Condition of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

**Also in the Colonies.**

**24.** Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East*

*East Indies*, or in any other Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced or where he may come or be as aforesaid in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall, according to such Directions, undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony or in the Colony or Place to which he has been so removed or sent respectively.

**Sentence of Penal Servitude may be commuted for Imprisonment.**

**25.** In any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British* Isles, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned, with or without Hard Labour, and with or without Solitary Confinement, for the same or such lesser Term as shall seem meet to Her Majesty or to the Officer commanding as aforesaid.

**26.** Where

Of Forfeitures, when combined with Penal Servitude.

**26.** Where an Award of any Forfeiture, or of Deprivation of Pay, or of Stoppages of Pay shall have been added to any Sentence of Penal Servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any Place out of the United Kingdom or *British* Isles, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Disposal of Convict after Sentence of Penal Servitude.

**27.** When any Sentence of Death shall be commuted for Penal Servitude, or when any Marine shall by Court-martial be adjudged to Penal Servitude as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged or may belong to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Penal Servitude to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem* or such other Sum as the said Lord High Admiral or the said Commissioners may at any Time or Times direct, shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

**28.** Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for Desertion or for disgraceful Conduct, Misbehaviour, or Neglect of Duty; but no Sentence of Corporal Punishment awarded by a Divisional Court-martial shall, except in the Case of Mutiny or gross Insubordination, be put in execution in Time of Peace without the Leave in Writing of the Officer commanding the Division or Station in which the Court may be held, and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

**29.** It

**29.** It shall be lawful for any General, District, or Garrison Court-martial to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed herein-after or by the Articles of War, and in case of a Marine in addition to Corporal Punishment.

Power to inflict Corporal Punishment and Imprisonment.

**30.** In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment, for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to commute Corporal Punishment.

**31.** It shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Divisional Rank, or both, as may be deemed expedient.

Power to commute a Sentence of cashiering.

**32.** Any General Court-martial may, in addition to any other Punishment which such Court may award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, or to Forfeiture of any Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former Good Conduct, and of all Medals and Decorations, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Punishment which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

Forfeiture of Pay and Pension by Sentence of Court-martial.

In wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of

causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

**33.** Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or found guilty by a Jury of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in *England*, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court

Court may award; and every Marine who may be so convicted, or who may be sentenced to Penal Servitude, or discharged with Ignominy, shall thereupon likewise forfeit all Medals which he may be in possession of, whether for Sea or Field Service or for Good Conduct, together with any Annuity or Pension or Gratuity, if any, thereto appertaining; and any Sergeant reduced to the Ranks by Sentence of Court-martial may, by the Order of the same Court, be made to forfeit any Annuity or Pension and Medal for meritorious Service, or any or either of them, which may have been conferred upon him.

**Forfeiture of Pay when in Confinement;**

**34.** If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement as a Deserter by Confession or under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Confinement for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall

**or during Absence on Commitment under a Charge, or in arrest for Debt;**

**or when Prisoner of War;**

**or when convicted of Desertion or Absence without Leave;**

**or when absent without Leave.**

shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Marine shall be imprisoned for such Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, and with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days during which he shall have so absented himself; and in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as last aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay and Liquor for habitual Drunkenness.

**35.** Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay for such Period not exceeding Two Years, and under such Restrictions and Regulations as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment whatsoever which the Court may be competent to award: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay,

Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

**36.** Any Court-martial may sentence any Marine for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms, or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment whatsoever which such Court may award. Forfeiture of Pay for Drunkenness on Duty.

**37.** In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good— Stoppages.

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or in the Militia:

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal or Decoration for Service or for general Good Conduct which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Medal or Decoration which may have been granted to him by any Foreign Power, or any Loss, Disposal of, or Destruction of, or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to, Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense,

shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that when an Offender is put under Stoppages for making away with or pawning any Medal or Decoration, the Amount shall be credited to the Public, but the Medal or Decoration in question shall not be replaced, except under special Circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid: Provided also, that so much only of the Pay of the Marine may be stopped and applied as shall, after satisfying the Charges for Messing and Washing, leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

**38.** Whenever any Marine shall have been convicted of Desertion or of any such disgraceful Conduct as is herein-before described, and the Court in respect of such disgraceful Conduct shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service: Provided always, where an Award of any of the Forfeitures herein-before mentioned, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to a Sentence of Transportation or Penal Servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, or, if in the *East Indies*, for the Officer commanding in chief Her Majesty's Land Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude being commuted to Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Marking Deserters.

**39.** On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked, Two Inches below and One Inch in rear of the Nipple of the Left Breast, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be clearly seen and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

**40.** A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, in no Case exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment

Imprisonment awarded shall exceed Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with Intervals between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

**Imprisonment of Offender already under Sentence for previous Offence.**

**41.** Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence, either of Imprisonment or of Penal Servitude, the Court may award Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

**Term and Place of Imprisonment.**

**42.** Save as herein specially provided, every Term of Penal Servitude or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

**Proviso for Removal of Prisoners.**

**43.** In the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison other than a Military Prison, or in any Gaol or House of Correction or elsewhere, in any Part of the United Kingdom, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being,

being, in all Cases, or for the Officer who confirmed the Proceedings of the Court, or the Officer commanding the Division or the District or Garrison in which such Prisoner may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in the United Kingdom, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than a Military Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions other than the United Kingdom, it shall be lawful for the said Lord High Admiral or the said Commissioners, or for the Officer commanding the Royal Marines there serving, in the Case of any such Prisoner, to give as often as Occasion may arise an Order in Writing, directing that the Prisoner be discharged, or be delivered over to Military or other Custody, whether for the Purpose of being removed to some other Prison or Place in any Part of Her Majesty's Dominions, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial, either as a Witness or for Trial; and in the Case of any Prisoner who shall be removed by any such Order from any such Prison, Gaol, or House of Correction, either within the United Kingdom or elsewhere, to some other Prison or Place, either in the United Kingdom or elsewhere, the Officer or Authorities who gave such Order shall also give an Order in Writing directing the Governor, Provost Marshal, Gaoler, or Keeper of such other Prison or Place to receive such Prisoner into his Custody, and specifying the Offence of which such Prisoner shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and the Hour on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be duly discharged or delivered over to Military or other Custody before the Expiration of that Time under an Order duly made for that Purpose; and in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any Military Prison in any Part of Her Majesty's Dominions, the Secretary of State for War, or any Person duly authorized by him in that Behalf, shall have the like Powers in regard to the Discharge and Delivery over of such Prisoners to Military or other Custody as may be lawfully exercised by any of the Authorities above mentioned in respect of any Prisoners undergoing

going Confinement as aforesaid in any public Prison other than a Military Prison, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions; and such Prisoner in any of the Cases herein-before mentioned shall accordingly, on the Production of any such Order as is herein-before mentioned, be discharged or delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in such Military or other Custody under such Order as aforesaid shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place, and such Prisoner may during such Time, either when on board Ship or otherwise, be subjected to such Restraint as is necessary for his Detention and Removal.

Custody of Prisoners under Military Sentence in Common Gaols.

44. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison. or of any Gaol or House of Correction in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or from the Officer commanding the Division or Detachment to which the Offender belongs or did last belong or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released or be otherwise disposed of; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement. shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

 45. The

Their Subsistence in Common Gaols.

**45.** The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, or such other Sum as the said Lord High Admiral or the said Commissioners may at any Time or Times direct, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem*, or such other Sum as aforesaid, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

**46.** Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe that any Person in his Custody for any Debt or Contempt, or upon any Charge or for any Offence, civil, criminal, or military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, previous to the Expiration of the Period of the Confinement or Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Confinement or Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, specifying the Day and Hour of the Day on and at which he is to be released; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds; and moreover, every Gaoler or other Person having such immediate Inspection as aforesaid shall, as soon as any such Marine shall be entitled to be discharged out of Custody, with all convenient Speed, safely and securely conduct and convey and safely and securely deliver every such Marine either unto the Officer commanding at the nearest Head Quarters of the Royal Marines or to the Officer commanding Her Majesty's Ship to which any such Marine may happen to belong, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, or the Officer commanding at the nearest Head Quarters of the Royal Marines, or the Officer commanding Her Majesty's Ship to which any such Marine may belong, shall, by Writing under his Hand, direct that such Marine be delivered to some other Officer or Person, in which Case he shall

shall be delivered to such other Officer or Person accordingly, and the Officer or Person to whom such Marine shall be so delivered in accordance with this Act shall thereupon give to such Gaoler or Person delivering up such Marine a Certificate, directed to the Secretary of the Admiralty, specifying the Receipt of such Marine, and if such Gaoler or other Person as aforesaid has conducted or conveyed any such Marine specifying the Place from and to which he shall have been conducted and conveyed as aforesaid; and such Gaoler or Person who shall have so conducted, conveyed, and delivered any such Marine, shall, upon the Production of such Certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the Sum of Two Shillings *per* Mile, and no more, for conducting, conveying, and delivering any such Marine as aforesaid; and every such Gaoler or other Person having such immediate Inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such Marine as aforesaid, shall for every such Misconduct or Offence forfeit and pay the Sum of One hundred Pounds.

**Military Prisons established under any Act for punishing Mutiny and Desertion in the Army to be deemed public Prisons.**

**47.** Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

**Musters, and Penalty on false Musters.**

**48.** Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for

for any such Offence be sentenced to be cashiered; provided that it shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Rank as may be deemed expedient; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds.

**Verifying of Muster Rolls.**

**49.** All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

**Trials for Desertion after subsequent Re-enlistment.**

**50.** Every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps, and be a Deserter therefrom; and whether such Marine shall be tried for deserting from the Corps to which he may of right belong, or from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

**Apprehension of Deserters.**

**51.** Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Marine or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry, and to remand the said suspected Person, in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the

the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained; and if it shall appear to the Satisfaction of such Justice, by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order to his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty

a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of such Fees; and that when any Person shall be apprehended and committed as a Deserter in any such Foreign Dominions, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in such Part, or if the Detachment be in such Part, the Justice may deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post, if within reasonable Distance; and such Justice shall in every Case transmit to the Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Penalty on Marines attempting to desert from Head Quarters.

**52.** For and in respect of any Marine attempting to desert from any Head Quarters, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

**53.** Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Marine or other Person conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

**54.** Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, or Her Majesty's *Indian* Forces, shall to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces,

Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed such Certificate; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

**Punishment for inducing Marines to desert.**

**55.** Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure or persuade any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

**Extension of Furlough in case of Sickness.**

**56.** When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine, not borne on the Books of any of Her Majesty's Ships or Vessels in Commission as aforesaid, and who shall be on Furlough, shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

**57.** Any

57. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine, or who has received Marine Enlistment Money, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Fact sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Writ, Summons, Order, Warrant, Judgment, Execution, or any Process whatever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Marine or Person might, if not in Her Majesty's Service be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order in that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards;

but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Marine Necessaries or Equipments of such Marine: Provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound under the Age of Twenty-one Years, as herein prescribed.

Officers not liable to take Parish Apprentices.

**58.** No Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

**59.** No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff, and no such Officer and no Non-commissioned Officer of such Forces shall be capable of being nominated or elected to be a Constable, or Overseer, Guardian of any Union, or any Officer of a like Description, of any County, Hundred, Riding, City, Borough, Town, Division, Parish, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*, or be summoned or shall serve as a Grand or Petit or other Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit or other Juror or upon an Inquest shall be null and void; and every such Person is hereby exempted from Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Questions to be put to Recruits on enlisting.

**60.** Every Person authorized to enlist Recruits for the Royal Marines shall first ask the Person offering to enlist whether he belongs to the Militia, and also such other Questions as the said Lord High Admiral or the said Commissioners may direct to be put to Recruits, and shall, immediately after giving him Enlisting Money, serve him with a Notice in the Form set forth in the Schedule to this Act annexed.

Recruits when deemed to be enlisted

**61.** Every Person who shall receive Enlisting Money in manner aforesaid shall upon such Receipt be deemed to be enlisted as a Marine

Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted.

**62.** Every Person so enlisted as aforesaid shall, within Ninety-six Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included), but not sooner than Twenty-four Hours after such Enlistment, appear, together with some Person employed in the Recruiting Service, before a Justice of the Peace, not being an Officer of the Marines, in order that he may be attested by making the Declaration and taking the Oath herein-after mentioned, or may have an Opportunity of objecting to his Enlistment; and previously to such Appearance, some Person employed in the Recruiting Service shall fill up the Declaration set forth in the Schedule to this Act annexed, first asking the Recruit the Questions that are requisite for that Purpose, and cautioning him that if he should make any wilfully false Answer thereto he will be liable to be punished as a Rogue and a Vagabond.

**When Recruits to be taken before a Justice.**

**63.** When a Recruit, upon appearing before a Justice for the Purposes aforesaid, shall dissent from or object to his Enlistment, and shall satisfy the Justice that the same was effected in any respect irregularly, he shall forthwith discharge the Recruit absolutely, and shall report such Discharge to the Commandant of the Division for which the Marine shall have enlisted; but if the Recruit so dissenting shall not allege or shall not satisfy the Justice that the Enlistment was effected irregularly, nevertheless, upon Repayment of the Enlisting Money and of any Sum received by him in respect of Pay, and of a further Sum of Twenty Shillings as Smart Money, he shall be entitled to be discharged; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary of the Admiralty and to the said Commandant, shall be paid over to any Person belonging to the Recruiting Party who may demand the same; and the Justice who shall discharge any Recruit shall, in every Case, give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

**Dissent and Relief from Enlistment.**

**64.** If the Recruit on appearing before a Justice shall not dissent from his Enlistment, or dissenting shall within Twenty-four Hours return and declare that he is unable to pay the Sums mentioned in the last Section, the Justice shall require him to make the Declaration herein-before mentioned in the usual Manner, and shall then administer to him the Oath of Allegiance in the Form set forth in the Schedule to this Act annexed; and when the Recruit shall have signed the said

**Attesting of Recruits.**

said Declaration and taken the Oath, the Justice shall attest the same by his Signature, and shall deliver to the Recruiting Officer the Declaration so signed and attested, and the Fee for such Attestation, including the Declaration and Oath, shall be One Shilling and no more; and any Recruit shall, if he so wish, be furnished with a certified Copy of the above-mentioned Declaration by the Officer who finally approved of him for the Service.

Recruits until they have been attested or received Pay not triable by Court-martial, but in certain Cases punishable as Rogues and Vagabonds.

**65.** No Recruit, unless he shall have been attested or shall have received Pay other than Enlisting Money, shall be liable to be tried by Court-martial; but if any Recruit, previously to his being attested, shall by means of any false Answer obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the Purposes aforesaid, or having dissented from his Enlistment shall wilfully omit to return and pay such Money as aforesaid, in any of such Cases it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be, when he shall be brought before them, if in *England*, to adjudge him to be a Rogue and Vagabond, and to sentence him to be punished accordingly, and if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months; and any Marine who shall have given any false Answer at the Time of or relative to his becoming a Marine shall forfeit all Pay, Wages, and other Monies, be the same Naval, Marine, or otherwise, which he might otherwise have been entitled to for any Period of Service in the Royal Marines.

Attested Recruits triable in some Cases either before Two Justices or before a Court-martial.

**66.** Any Recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration herein-before mentioned, shall be liable at the Discretion of the said Lord High Admiral or the said Commissioners to be proceeded against before Two Justices in the Manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same, and punished in such Manner as such Court shall direct.

Recruits absconding.

**67.** If any Recruit shall abscond so that it is not possible immediately to apprehend and bring him before a Justice for Attestation, the Recruiting Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for that Purpose a Certificate of the Name and Place of Residence, and Description of such

such Recruit and of his having absconded, and shall declare the same to be true, and the Justice to whom such Certificate shall be produced shall transmit a Duplicate thereof to the Secretary of the Admiralty in order that the same may appear in the *Police Gazette*.

**Militiamen enlisting into Regular Forces.**

**68.** If any Man while belonging to a Militia Regiment shall enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a Court-martial on a Charge for Desertion; but it shall be lawful for the Secretary of State for War, on the Confession thereof by such Militiaman or on other Proof thereof, to order that in lieu of his being so tried he shall be subjected to a Stoppage of One Penny a Day of his Pay for Eighteen Calendar Months, to be applied as the Secretary of State for War shall direct, and further to determine whether such Man shall be returned to his Militia Regiment after such Sum shall have been made good, or shall be deemed to be a Marine in the same Manner as he would have been if he had not been a Militiaman at the Time of his Attestation, in which latter Case his Service as a Marine shall not be reckoned for Pension until the Day on which his Engagement for the Militia would have expired.

**Penalty on Officers offending as to Enlistment.**

**69.** Every Person subject to this Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Service shall be liable to be tried for such Offence by a General Court-martial, and to be sentenced to such Punishment, other than Death or Penal Servitude, as such Court may award.

**As to Re-enlistment abroad.**

**70.** It shall be lawful for the Officer commanding any Ship or Vessel of Her Majesty on the Books of which any Marine may be borne, or on board of which any such Marine may be, or, notwithstanding anything in this Act contained, for the Commanding Officer of any Battalion or Detachment of Royal Marines, whether borne on the Books of any One of Her Majesty's Ships or otherwise, to re-engage or enlist and attest out of *Great Britain* or *Ireland* any Marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine Forces, if such Marine be considered by such Commanding Officer a fit Person to continue in Her Majesty's Service, and every such Commanding Officer shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices of the Peace in the United Kingdom for all such Purposes of Enlistment and Attestation, and any Marine so re-enlisted or re-engaged shall be deemed to be an attested Marine.

**Apprentices enlisting to be liable to serve after the Expiration of their**

**71.** Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences,

Apprenticeship.

tences, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

**72.** No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland* for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Five or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

No Apprentice claimed by the Master

**73.** No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except

except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

shall be taken away without a Warrant.

Punishment of Apprentices enlisting.

**74.** No Person who shall for Six Months, and either before or after the passing of this Act, have received Pay and be borne on the Strength and Pay List of any Division of Her Majesty's Royal Marine Forces, of which the last Quarterly Pay List (if produced) shall be Evidence, or been borne as a Marine on the Books of any of Her Majesty's Ships in Commission, shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation, or on any other Ground whatsoever, but, on the contrary, every such Person shall be deemed to have been duly enlisted and attested.

Removal of Doubts as to Attestation of Marines.

**75.** It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Admiralty may order Pay to be withheld.

**76.** And

Billeting of Marines.

76. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route, Care being always taken that the Billets be made out for the less distant Houses in which suitable Accommodation can be found before making out Billets for the more distant; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in the Manner required by this Act upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or a different County in like Manner in every respect as if such Houses were all locally situated within such Place: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses

Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person or Persons having Stables, and who are by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or to enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging where he shall be duly billeted: Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

**Allowance to Innkeepers.**

77. The Innholder or other Person on whom any Marine is billeted in *Great Britain* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days, when halted at any intermediate Place upon the March, and for

the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Marines may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain*, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Division, Detachment, or Party shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Marines, or Horses are billeted, out of the Pay and Subsistence of such Officers and Marines, before any Part of the said Pay or Subsistence be paid or distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer or Non-commissioned Officer not being enabled to make Payment of the Sums due on account of Billets, every such Officer or Non-commissioned Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Account of such Officer or Non-commissioned Officer.

**Supply of Carriages.**

78. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and

and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

**Rates for Carriages.**

**79.** In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and

and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland* for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Threepence, or Twopence to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days, beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service: Provided also, that a Cart with

with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

**80.** It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions

 whatsoever

whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

**Justices of Peace to direct Payment of Sums expended for Carriages, &c.**

**81.** It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogues Money and Assessments directed and authorized to be assessed and levied by an Act passed during the Session holden during the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

**Lord Lieutenant of Ireland may depute Persons to sign Routes.**

**82.** It shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

**Exemption from Tolls.**

**83.** All Officers and Marines on Duty or on their March, being in proper Uniform, Dress or Undress, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying any such Persons as aforesaid or their Baggage, or returning from

from conveying the same, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Prescription, Grant, or Custom, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine on Duty or on their March, who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

**Marching Money on Discharge.**

**84.** Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

**Notification to Parishes of good or bad Conduct of Marines.**

**85.** The Churchwardens of every Parish in *England* and *Ireland* and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place

Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next after the Receipt of such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

**86.** If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain* and *Ireland*, for each Horse; in such Quantities and at such Rates as herein-before provided, or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Marine or Marine

Recruit

Recruit with the view of fraudulently obtaining a Billet or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

**Penalty upon Officers of Marines so offending.**

87. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate of such Conviction be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken from any Person any Money or Reward for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland*, shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

**Penalty for forcible Entry.**

88. Every Marine Officer or Marine who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouse of any Person whomsoever, in Pursuit of any Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for purchasing Clothes, &c. from any Marine.

89. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person acting for or on his Behalf, upon any Account or Pretence whatsoever, or who shall solicit or entice any Marine or Marine Deserter, or shall be employed by any Marine or Marine Deserter, knowing him to be such, to sell any Arms, Ammunition, Medals for Good Conduct, or Distinguishment, or other Service, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, whether on shore or afloat, and whether the Marine or Marine Deserter or other Person be or be not borne on the Books of any One of Her Majesty's Ships, or be or be not embarked, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Medals, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Spirits, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, Necessaries, Sheets, or other Articles to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described,

described, on or with respect to which any such Offence shall have been committed, such Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon such Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law.

**Penalty on unlawful recruiting.**

**90.** Every Person (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

**Penalty on Officers killing Game.**

**91.** For the better Preservation of the Game and Fish in or near Places where any Officer shall at any Time be quartered, every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, shall for every such Offence forfeit the Sum of Five Pounds.

**Limitation of Actions.**

**92.** If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some One of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall

shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

**93.** All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture or Treble Value can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such Penalties and Forfeitures or Treble Value as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions other than the United Kingdom, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed or the Offender may at any Time happen to be, and for Default of Payment the Offender shall be punished as if the Offence had been committed in the United Kingdom; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

**94.** One

**94.** One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the furthest report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

Appropriation of Penalties.

5 & 6 W. 4. c. 76.

**95.** It shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry, to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Licences of Canteens.

**96.** Any Justice in the United Kingdom within whose Jurisdiction any Marine shall be quartered on shore may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement; and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then,

Mode of recording a Marine's Settlement.

on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required: Provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Administration of Oaths.

Perjury.

**97.** All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or other Person having Authority to administer Oaths and Declarations; and any Person giving false Evidence or taking a false Oath or Declaration where an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Marine or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Definition of Terms.

**98.** All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and to the Town of *Berwick-upon-Tweed;* and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Powers and Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether

whether *British* or Foreign, to be drunk in their own Houses or Places thereunto belonging; to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drunk in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail in *Great Britain* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *Great Britain* in any private Houses or in any Canteen held or occupied under the Authority of the Admiralty, War, or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

**99.** This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty-one until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-two inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty-one until the First Day of *May* One thousand eight hundred and sixty-two inclusive; and within the Garrison of *Gibraltar*, and within the *Mediterranean*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and sixty-one until the First Day of *August* One thousand eight hundred and sixty-two inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and sixty-one until the First Day of *September* One thousand eight hundred and sixty-two inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and sixty-one until the First Day of *February* One thousand eight hundred and sixty-three inclusive: Provided always, that this Act shall from and after the Receipt and Promulgation thereof, in general Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein contained to the contrary notwithstanding.

Duration of Act.

SCHE-

## SCHEDULE referred to by this Act.

### Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

YOU shall duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help you GOD.

### Form of Oath of Judge Advocate.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

*Date* 186 .

*A.B.*

TAKE Notice, That you enlisted with at o'Clock* on the Day of for the Royal Marines, and if you do not come forward to [*here name some Place*] on or before o'Clock* on the Day of for the Purpose of being taken before a Justice, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you may have received as a Recruit, and by paying *Twenty Shillings* as Smart Money, you will be liable to be punished as a Rogue and Vagabond.

You are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representations at the Time of Attestation.

*Signature of the Non-commissioned Officer serving the Notice.* } _____

* At A.M. or P.M., as the Case may be.

---

DECLARATION to be made by RECRUIT on ATTESTATION.

I of the Parish of in or near the Town of in the County of , do solemnly and sincerely declare, That I am to the best of my Knowledge and Belief Years of Age; that I am of the Trade or Calling of [*or* of no Trade or Calling, *as the Case may be*]; that I am not an Apprentice; that I am married [*or* not married, *as the Case may be*]; that I do not belong to the Militia, or to the Naval Coast Volunteers, or Royal Naval Volunteers, or to any Portion of Her Majesty's Land or Sea Forces; that I have never served Her Majesty by Land or Sea in any Military, Marine, or Naval Employment whatsoever, except ; that I have never been marked with the Letter D; that I have never been rejected as unfit for Her Majesty's Service on any previous Enlistment; that I was enlisted at on the Day of 186 , at o'Clock M. by of , and that I have read [*or* had read to me] the Notice then given to me and understood its Meaning; that I enlisted for a Bounty of and a free Kit [*as the Case may be*], and have no Objection to make to the Manner of my Enlistment; that I am willing to be attested to serve in the Royal Marines for the Term of [*the Blank after the Words* "Term of" *to be filled up with Twelve Years, if the Person enlisted is of the Age of Eighteen Years*

*or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require my Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Recruit.*
_____ *Signature of Witness.*

---

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand, _____ *Signature of the Recruit.*
_____ *Witness present.*

Declared and sworn before me at this Day of One thousand eight hundred and at o'Clock.

_____ *Signature of the Justice.*

---

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with such Number of Years as shall be required to complete a total Service of Twenty-one Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Marine.*
_____ *Signature of Witness.*

Declared before me, _____

---

FORM

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

---

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

---

DESCRIPTION

*Marine Mutiny.*

DESCRIPTION RETURN of who was apprehended [*or* surrendered himself, *as the Case may be*] on the Day of and was committed to Confinement at on the Day of as Deserter from the Royal Marines.

| | |
|---|---|
| Age | |
| Height | Feet. Inches. |
| Complexion | |
| Hair | |
| Eyes | |
| Marks | |
| Probable Date of Enlistment, and where | |
| Probable Date of Desertion, and from what Place | |
| * Name and Occupation and Address of the Person by whom apprehended | |
| * Particulars of the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds | |

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he† a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate.*

——— *Signature of Prisoner.*

——— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

***

Tenements, or Hereditaments had been purchased for a full and valuable Consideration for Charitable Uses, and such Consideration had been actually paid, every Deed or other Assurance then already made for the Purpose of conveying or assuring the same should (subject as in the now-reciting Act mentioned) be as good and valid in all respects as if the several Formalities by the said first-recited Act prescribed had been duly observed and performed: And whereas Doubts have been entertained with reference to the Assurance for Charitable Uses of Hereditaments of Copyhold or Customary Tenure: And whereas it is expedient to make Provision for further remedying Defects and obviating Doubts and Difficulties, and as to Enrolment in regard to Deeds and Assurances of Hereditaments conveyed for Charitable Uses in manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No future Deed, &c. for Charitable Uses to be void by reason of not being indented, or of specified Stipulations for Donor's Benefit, or (as to Copyholds) for Want of Deed.

1. No Deed or Assurance hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, shall be deemed to be null and void within the Meaning of the first-recited Act by reason of such Deed or Assurance not being indented, or not purporting to be indented, nor by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any Grant or Reservation of any Peppercorn or other nominal Rent, or of any Mines or Minerals, or Easement, or any Covenants or Provisions as to the Erection, Repair, Position, or Description of Buildings, the Formation or Repair of Streets or Roads, Drainage or Nuisances, or any Covenants or Provisions of the like Nature for the Use and Enjoyment as well of the Hereditaments comprised in such Deed or Assurance as of any other adjacent or neighbouring Hereditaments, or any Right of Entry on Nonpayment of any such Rent, or on Breach of any such Covenant or Provision, or any Stipulations of the like Nature for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, nor (in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein,) by reason of the same not being made by Deed, nor in the Case of such Assurances made *bonâ fide* on a Sale for a full and valuable Consideration, by reason of such Consideration consisting wholly or partly of a Rent, Rentcharge, or other annual Payment reserved or made payable to the Vendor or to any other Person with or without a Right of Re-entry for Nonpayment thereof: Provided always, that in all Reservations authorized by this Act the Donor, Grantor, or Vendor shall reserve the same Benefits for his Representatives as for himself.

2. In

2. In all Cases where the Charitable Uses of any Deed or Assurance hereafter to be made for Conveyance of any Hereditaments for any Charitable Uses shall be declared by any separate or other Deed or Instrument, it shall not be necessary, for the Purposes of the first-recited Act or of this Act, to enrol such Deed or Assurance for Conveyance; but every such Deed or Assurance for Conveyance shall nevertheless be absolutely null and void unless such separate or other Deed or Instrument shall within Six Calendar Months next after the making or perfecting of such Deed or Assurance for Conveyance be enrolled in Her Majesty's High Court of Chancery, and such Enrolment as last aforesaid shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid.

Where Charitable Uses of any future Deed, &c. is declared by any separate or other Deed, &c., Enrolment of such separate or other Deed, &c. requisite.

3. No Deed or Assurance heretofore made and under which Possession is now held for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, made really and *bonâ fide* for a full and valuable Consideration actually paid at or before the making or perfecting such Deed or Assurance, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid at or before the making or perfecting such Deed or Assurance and partly reserved as aforesaid, without Fraud or Collusion, shall for any Reason whatever be deemed to be null and void within the Meaning of the first-recited Act, if such Deed or Assurance was made to take effect in possession for the Charitable Uses intended immediately from the making thereof, and without any Power of Revocation, and has been at any Time prior to the passing of this Act, or shall be within Twelve Calendar Months next after the passing of this Act, enrolled in Her Majesty's High Court of Chancery.

No past Deed, &c. for Charitable Uses upon valuable Consideration to be void for any Reason if enrolled in Chancery.

4. In all Cases where the Charitable Uses of any Deed or Assurance heretofore made for Conveyance of any Hereditaments for any Charitable Uses upon such full and valuable Consideration as aforesaid, and under which Possession is now held for such Uses, have been declared by any separate or other Deed or Instrument, and such Deed or Assurance for Conveyance has not been enrolled in Her Majesty's High Court of Chancery prior to the passing of this Act, but such separate or other Deed or Instrument has been so enrolled, such Enrolment shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid; but if neither of such Deeds no such Instrument has been so enrolled, then it shall not be necessary

Where Charitable Uses of any past Deed, &c. not enrolled are declared by any other Deed, &c., Enrolment of such other Deed, &c. sufficient.

Where neither Deed, &c. is en-

rolled, Enrolment of such separate or other Deed, &c. requisite.

necessary for the Purposes of the first-recited Act or of this Act to enrol such Deed or Assurance for Conveyance, but every such Deed or Assurance for Conveyance shall nevertheless be absolutely and to all Intents and Purposes null and void, unless such separate or other Deed or Instrument shall within Twelve Calendar Months next after the passing of this Act be so enrolled; and such Enrolment as last aforesaid shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid.

Act not to invalidate certain Deeds, nor to extend to Deeds, &c. already avoided, or to pending Suits.

5. Nothing in this Act contained shall extend to render null and void or in any Manner to affect or apply to any Deed already good and valid by virtue of the secondly recited Act or of any other Act, or to give Effect to any Deed or Assurance heretofore made so far as such Deed or Assurance has already been avoided by any Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or Assurance has been made; and no Deed, Assurance, or Instrument Thirty Years old, nor any Deed, Assurance, or Instrument heretofore executed, as to which it shall be proved to the Satisfaction of the Clerk of Enrolments in Chancery that the Acknowledgment thereof by the Grantor of the Lands or Hereditaments to which the same relates cannot be obtained within Twelve Calendar Months after the passing of this Act, shall for the Purposes of the first-recited Act or of this Act require Acknowledgment prior to Enrolment.

When Acknowledgment not necessary.

Act not to extend to Scotland or Ireland, nor to prejudice the Two Universities, or the Colleges of Eton, Winchester, or Westminster.

6. Nothing in this Act contained shall extend or be construed to extend to the Disposition, Grant, or Settlement of any Property or Estate lying or being in *Scotland* or in *Ireland*, nor to make void any Dispositions made or to be made to or in trust for either of the Two Universities, or any of the Colleges or Houses of Learning within either of such Universities, in the first-recited Act mentioned, or to or in trust for the Colleges of *Eton*, *Winchester*, or *Westminster*, or any or either of them, for the better Support and Maintenance of Scholars only upon the Foundation of the said Colleges of *Eton*, *Winchester*, and *Westminster*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

**********

## CAP. X.

## An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty.

[17th *May* 1861.]

WHEREAS it is expedient to extend the Jurisdiction and improve the Practice of the High Court of Admiralty of *England:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**1.** This Act may be cited for all Purposes as "The Admiralty Court Act, 1861." Short Title.

**2.** In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, Interpretation of Terms.

"Ship" shall include any Description of Vessel used in Navigation not propelled by Oars:

"Cause" shall include any Cause, Suit, Action, or other Proceeding in the Court of Admiralty.

**3.** This Act shall come into operation on the First Day of *June* One thousand eight hundred and sixty-one. Commencement of Act.



**4.** The

*Admiralty Court Jurisdiction.*

As to Claims for building, equipping, or repairing of Ships.

**4.** The High Court of Admiralty shall have Jurisdiction over any Claim for the building, equipping, or repairing of any Ship, if at the Time of the Institution of the Cause the Ship or the Proceeds thereof are under Arrest of the Court.

As to Claims for Necessaries.

**5.** The High Court of Admiralty shall have Jurisdiction over any Claim for Necessaries supplied to any Ship elsewhere than in the Port to which the Ship belongs, unless it is shown to the Satisfaction of the Court that at the Time of the Institution of the Cause any Owner or Part Owner of the Ship is domiciled in *England* or *Wales:* Provided always, that if in any such Cause the Plaintiff do not recover Twenty Pounds he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

As to Claims for Damage to Cargo imported.

**6.** The High Court of Admiralty shall have Jurisdiction over any Claim by the Owner or Consignee or Assignee of any Bill of Lading of any Goods carried into any Port in *England* or *Wales* in any Ship, for Damage done to the Goods or any Part thereof by the Negligence or Misconduct of or for any Breach of Duty or Breach of Contract on the Part of the Owner, Master, or Crew of the Ship, unless it is shown to the Satisfaction of the Court that at the Time of the Institution of the Cause any Owner or Part Owner of the Ship is domiciled in *England* or *Wales:* Provided always, that if in any such Cause the Plaintiff do not recover Twenty Pounds he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

As to Claims for Damage by any Ship.

**7.** The High Court of Admiralty shall have Jurisdiction over any Claim for Damage done by any Ship.

High Court of Admiralty to decide Questions as to Ownership, &c. of Ships.

**8.** The High Court of Admiralty shall have Jurisdiction to decide all Questions arising between the Co-owners, or any of them, touching the Ownership, Possession, Employment, and Earnings of any Ship registered at any Port in *England* or *Wales*, or any Share thereof, and may settle all Accounts outstanding and unsettled between the Parties in relation thereto, and may direct the said Ship or any Share thereof to be sold, and may make such Order in the Premises as to it shall seem fit.

Extending 17 & 18 Vict. c. 104. as to Claims for Salvage of Life.

**9.** All the Provisions of "The Merchant Shipping Act, 1854," in regard to Salvage of Life from any Ship or Boat within the Limits of the United Kingdom, shall be extended to the Salvage of Life from

from any *British* Ship or Boat, wheresoever the Services may have been rendered, and from any Foreign Ship or Boat, where the Services have been rendered either wholly or in part in *British* Waters.

**10.** The High Court of Admiralty shall have Jurisdiction over any Claim by a Seaman of any Ship for Wages earned by him on board the Ship, whether the same be due under a special Contract or otherwise, and also over any Claim by the Master of any Ship for Wages earned by him on board the Ship, and for Disbursements made by him on account of the Ship: Provided always, that if in any such Cause the Plaintiff do not recover Fifty Pounds, he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

As to Claims for Wages and for Disbursements by Master of a Ship.

**11.** The High Court of Admiralty shall have Jurisdiction over any Claim in respect of any Mortgage duly registered according to the Provisions of "The Merchant Shipping Act, 1854," whether the Ship or the Proceeds thereof be under Arrest of the said Court or not.

3 & 4 Vict. c. 65. in regard to Mortgages extended to Court of Admiralty.

**12.** The High Court of Admiralty shall have the same Powers over any *British* Ship, or any Share therein, as are conferred upon the High Court of Chancery in *England* by the Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth Sections of "The Merchant Shipping Act, 1854."

Sections 62 to 65 of 17 & 18 Vict. c. 104. extended to Court of Admiralty.

**13.** Whenever any Ship or Vessel, or the Proceeds thereof, are under Arrest of the High Court of Admiralty, the said Court shall have the same Powers as are conferred upon the High Court of Chancery in *England* by the Ninth Part of "The Merchant Shipping Act, 1854."

Part 9 of 17 & 18 Vict. c. 104. extended to Court of Admiralty.

**14.** The High Court of Admiralty shall be a Court of Record for all Intents and Purposes.

Court to be a Court of Record.

**15.** All Decrees and Orders of the High Court of Admiralty, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, shall have the same Effect as Judgments in the Superior Courts of Common Law, and the Persons to whom any such Monies, or Costs, Charges, or Expenses, shall be payable, shall be deemed Judgment Creditors, and all Powers of enforcing Judgments possessed by the Superior Courts of Common Law, or any Judge thereof, with respect to Matters depending in the same Courts, as well against the Ships and Goods arrested as against the Person of the Judgment

Decrees and Orders of Court of Admiralty to have Effect of Judgments at Common Law.

Judgment Debtor, shall be possessed by the said Court of Admiralty with respect to Matters therein depending; and all Remedies at Common Law possessed by Judgment Creditors shall be in like Manner possessed by Persons to whom any Monies, Costs, Charges, or Expenses are by such Orders or Decrees of the said Court of Admiralty directed to be paid.

As to Claims to Goods taken in Execution.

**16.** If any Claim shall be made to any Goods or Chattels taken in Execution under any Process of the High Court of Admiralty, or in respect of the Seizure thereof, or any Act or Matter connected therewith, or in respect of the Proceeds or Value of any such Goods or Chattels, by any Landlord for Rent, or by any Person not being the Party against whom the Process has issued, the Registrar of the said Court may, upon Application of the Officer charged with the Execution of the Process, whether before or after any Action brought against such Officer, issue a Summons calling before the said Court both the Party issuing such Process and the Party making the Claim, and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, Seizure, Act, or Matter as aforesaid, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing the Action to pay the Costs of all Proceedings had upon the Action after Issue of the Summons out of the said Admiralty Court, and the Judge of the said Admiralty Court shall adjudicate upon the Claim, and make such Order between the Parties in respect thereof and of the Costs of the Proceedings, as to him shall seem fit, and such Order shall be enforced in like Manner as any Order made in any Suit brought in the said Court. Where any such Claim shall be made as aforesaid the Claimant may deposit with the Officer charged with the Execution of the Process either the Amount or Value of the Goods claimed, the Value to be fixed by Appraisement in case of Dispute, to be by the Officer paid into Court to abide the Decision of the Judge upon the Claim, or the Sum which the Officer shall be allowed to charge as Costs for keeping Possession of the Goods until such Decision can be obtained, and in default of the Claimant so doing the Officer may sell the Goods as if no such Claim had been made, and shall pay into Court the Proceeds of the Sale, to abide the Decision of the Judge.

Powers of Superior Courts extended to Court of Admiralty.

**17.** The Judge of the High Court of Admiralty shall have all such Powers as are possessed by any of the Superior Courts of Common Law or any Judge thereof to compel either Party in any Cause or

or Matter to answer Interrogatories, and to enforce the Production, Inspection, and Delivery of Copies of any Document in his Possession or Power.

**18.** Any Party in a Cause in the High Court of Admiralty shall be at liberty to apply to the said Court for an Order for the Inspection by the Trinity Masters or others appointed for the Trial of the said Cause, or by the Party himself or his Witnesses, of any Ship or other Personal or Real Property, the Inspection of which may be material to the Issue of the Cause, and the Court may make such Order in respect of the Costs arising thereout as to it shall seem fit.

**Party in Court of Admiralty may apply for an Order for Inspection by Trinity Masters.**

**19.** Any Party in a Cause in the High Court of Admiralty may call on any other Party in the Cause by Notice in Writing to admit any Document, saving all just Exceptions, and in case of Refusal or Neglect to admit, the Costs of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless at the Trial the Judge shall certify that the Refusal to admit was reasonable.

**Admission of Documents.**

**20.** Whenever it shall be made to appear to the Judge of the High Court of Admiralty that reasonable Efforts have been made to effect personal Service of any Citation, Monition, or other Process issued under Seal of the said Court, and either that the same has come to the Knowledge of the Party thereby cited or monished, or that he wilfully evades Service of the same, and has not appeared thereto, the said Judge may order that the Party on whose Behalf the Citation, Monition, or other Process was issued be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Judge may seem fit, and all Proceedings thereon shall be as effectual as if personal Service of such Citation, Monition, or other Process had been effected.

**Power to Court of Admiralty, when personal Service of Citation has not been effected, to order Parties to proceed.**

**21.** The Service in any Part of *Great Britain* or *Ireland* of any Writ of Subpœna ad testificandum or Subpœna duces tecum, issued under Seal of the High Court of Admiralty, shall be as effectual as if the same had been served in *England* or *Wales*.

**As to the Service of Subpœna out of England and Wales.**

**22.** Any new Writ or other Process necessary or expedient for giving Effect to any of the Provisions of this Act may be issued from the High Court of Admiralty in such Form as the Judge of the said Court shall from Time to Time direct.

**Power to issue new Writs or other Process.**



**23.** All

Judge and Registrar to have same Power as to Arbitration as Judges and Masters at Common Law.

**23.** All the Powers possessed by any of the Superior Courts of Common Law or any Judge thereof, under the Common Law Procedure Act, 1854, and otherwise, with regard to References to Arbitration, Proceedings thereon, and the enforcing of Awards of Arbitrators, shall be possessed by the Judge of the High Court of Admiralty in all Causes and Matters depending in the said Court, and the Registrar of the said Court of Admiralty shall possess as to such Matters the same Powers as are possessed by the Masters of the said Superior Courts of Common Law in relation thereto.

Section 15 of 17 & 18 Vict. c. 104. extended to Registrar of Court of Admiralty.

**24.** The Registrar of the High Court of Admiralty shall have the same Powers under the Fifteenth Section of the Merchant Shipping Act, 1854, as are by the said Section conferred on the Masters of Her Majesty's Court of Queen's Bench in *England* and *Ireland*.

Powers of Registrar and of Deputy or Assistant Registrar.

**25.** The Registrar of the High Court of Admiralty may exercise, with reference to Causes and Matters in the said Court, the same Powers as any Surrogate of the Judge of the said Court sitting in Chambers might or could have heretofore lawfully exercised; and all Powers and Authorities by this or any other Act conferred upon or vested in the Registrar of the said High Court of Admiralty may be exercised by any Deputy or Assistant Registrar of the said Court.

False Oath or Affirmation deemed Perjury.

**26.** The Registrar of the said Court of Admiralty shall have Power to administer Oaths in relation to any Cause or Matter depending in the said Court; and any Person who shall wilfully depose or affirm falsely in any Proceeding before the Registrar or before any Deputy or Assistant Registrar of the said Court, or before any Person authorized to administer Oaths in the said Court, shall be deemed to be guilty of Perjury, and shall be liable to all the Pains and Penalties attaching to wilful and corrupt Perjury.

Appointment of Registrar and of Deputy or Assistant Registrar.

**27.** Any Advocate, Barrister-at-Law, Proctor, Attorney, or Solicitor of Ten Years standing may be appointed Registrar or Assistant or Deputy Registrar of the said Court.

Appointment of Examiners.

**28.** Any Advocate, Barrister-at-Law, Proctor, Attorney, or Solicitor may be appointed an Examiner of the High Court of Admiralty.

Stamp Duty not payable on subsequent Admis-

**29.** Any Person who shall have paid on his Admission in any Court as a Proctor, Solicitor, or Attorney the full Stamp Duty of Twenty-five Pounds, and who has been or shall hereafter be admitted a Proctor,

a Proctor, Solicitor, or Attorney, (if in other respects entitled to be so admitted,) shall be liable to no further Stamp Duty in respect of such subsequent Admission. sions of Proctors or Solicitors.

**30.** Any Proctor of the High Court of Admiralty may act as Agent of any Attorney or Solicitor, and allow him to participate in the Profits of and incident to any Cause or Matter depending in or connected with the said Court; and nothing contained in the Act of the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and sixty, shall be construed to extend to prevent any Proctor from so doing, or to render him liable to any Penalty in respect thereof. Proctor may act as Agent of Solicitors.

**31.** The Act passed in the Second Year of the Reign of King *Henry* the Fourth, intituled *A Remedy for him who is wrongfully pursued in the Court of Admiralty*, is hereby repealed. 2 Hen. 4. c. 11. repealed.

**32.** Any Party aggrieved by any Order or Decree of the Judge of the said Court of Admiralty, whether made *ex parte* or otherwise, may, with the Permission of the Judge, appeal therefrom to Her Majesty in Council, as fully and effectually as from any final Decree or Sentence of the said Court. Power of Appeal in interlocutory Matters.

**33.** In any Cause in the High Court of Admiralty Bail may be taken to answer the Judgment as well of the said Court as of the Court of Appeal, and the said High Court of Admiralty may withhold the Release of any Property under its Arrest until such Bail has been given; and in any Appeal from any Decree or Order of the High Court of Admiralty the Court of Appeal may make and enforce its Order against the Surety or Sureties who may have signed any such Bail Bond in the same Manner as if the Bail had been given in the Court of Appeal. Bail given in the Court of Admiralty good in the Court of Appeal.

**34.** The High Court of Admiralty may, on the Application of the Defendant in any Cause of Damage, and on his instituting a Cross Cause for the Damage sustained by him in respect of the same Collision, direct that the Principal Cause and the Cross Cause be heard at the same Time and upon the same Evidence; and if in the Principal Cause the Ship of the Defendant has been arrested or Security given by him to answer Judgment, and in the Cross Cause the Ship of the Plaintiff cannot be arrested, and Security has not been given to answer Judgment therein, the Court may, if it think fit, suspend the Proceedings in the Principal Cause, until Security has been given to answer Judgment in the Cross Cause. As to the hearing of Causes and Cross Causes.

**35.** The

*Admiralty Court Jurisdiction.*

Jurisdiction of the Court.

**35.** The Jurisdiction conferred by this Act on the High Court of Admiralty may be exercised either by Proceedings in rem or by Proceedings in personam.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

**********

## CAP. XI.

## An Act to afford Facilities for the better Ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions. [17th *May* 1861.]

WHEREAS an Act was passed in the Twenty-second and Twenty-third Years of Her Majesty's Reign, intituled *An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof:* And whereas it is expedient to afford the like Facilities for the better Ascertainment, in similar Circumstances, of the Law of any Foreign Country or State with the Government of which Her Majesty may be pleased to enter into a Convention for the Purpose of mutually ascertaining the Law of such Foreign Country or State when pleaded in Actions depending in any Courts within Her Majesty's Dominions and the Law as administered in any Part of Her Majesty's Dominions when pleaded in Actions depending in the Courts of such Foreign Country or State: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

22 & 23 Vict. c. 63.

present Parliament assembled, and by the Authority of the same, as follows; viz.,

Superior Courts within Her Majesty's Dominions may remit a Case, with Queries, to a Court of any Foreign State with which Her Majesty may have made a Convention for that Purpose, for Ascertainment of Law of such State.

1. If, in any Action depending in any of the Superior Courts within Her Majesty's Dominions it shall be the Opinion of such Court that it is necessary or expedient, for the Disposal of such Action, to ascertain the Law applicable to the Facts of the Case as administered in any Foreign State or Country with the Government of which Her Majesty shall have entered into such Convention as aforesaid, it shall be competent to the Court in which such Action may depend to direct a Case to be prepared setting forth the Facts as these may be ascertained by Verdict of Jury or other Mode competent, or as may be agreed upon by the Parties, or settled by such Person or Persons as may have been appointed by the Court for that Purpose in the event of the Parties not agreeing; and upon such Case being approved of by such Court or a Judge thereof, such Court or Judge shall settle the Questions of Law arising out of the same on which they desire to have the Opinion of another Court, and shall pronounce an Order remitting the same, together with the Case, to such Superior Court in such Foreign State or Country as shall be agreed upon in said Convention, whose Opinion is desired upon the Law administered by such Foreign Court as applicable to the Facts set forth in such Case, and requesting them to pronounce their Opinion on the Questions submitted to them; and upon such Opinion being pronounced, a Copy thereof, certified by an Officer of such Court, shall be deemed and held to contain a correct Record of such Opinion.

Court in which Action depends to apply such Opinion to the Facts set forth in Cases, &c.

2. It shall be competent to any of the Parties to the Action, after having obtained such certified Copy of such Opinion, to lodge the same with the Officer of the Court within Her Majesty's Dominions in which the Action may be depending who may have the official Charge thereof, together with a Notice of Motion setting forth that the Party will, on a certain Day named in such Notice, move the Court to apply the Opinion contained in such certified Copy thereof to the Facts set forth in the Case herein-before specified, and the said Court shall thereupon, if it shall see fit, apply such Opinion to such Facts, in the same Manner as if the same had been pronounced by such Court itself upon a Case reserved for Opinion of the Court, or upon Special Verdict of a Jury; or the said last-mentioned Court shall, if it think fit, when the said Opinion has been obtained before Trial, order such Opinion to be submitted to the Jury with the other Facts of the Case as conclusive Evidence of the Foreign Law therein stated, and the said Opinion shall be so submitted to the Jury: Provided always, that if after having obtained such certified Copy the Court shall not be satisfied that the Facts had been properly understood

understood by the Foreign Court to which the Case was remitted, or shall on any Ground whatsoever be doubtful whether the Opinion so certified does correctly represent the Foreign Law as regards the Facts to which it is to be applied, it shall be lawful for such Court to remit the said Case, either with or without Alterations or Amendments, to the same or to any other such Superior Court in such Foreign State as aforesaid, and so from Time to Time as may be necessary or expedient.

Courts in Her Majesty's Dominions may pronounce Opinion on Case remitted by a Foreign Court.

3. If in any Action depending in any Court of a Foreign Country or State with whose Government Her Majesty shall have entered into a Convention as above set forth, such Court shall deem it expedient to ascertain the Law applicable to the Facts of the Case as administered in any Part of Her Majesty's Dominions, and if the Foreign Court in which such Action may depend shall remit to the Court in Her Majesty's Dominions whose Opinion is desired a Case setting forth the Facts and the Questions of Law arising out of the same on which they desire to have the Opinion of a Court within Her Majesty's Dominions, it shall be competent to any of the Parties to the Action to present a Petition to such last-mentioned Court, whose Opinion is to be obtained, praying such Court to hear Parties or their Counsel, and to pronounce their Opinion thereon in Terms of this Act, or to pronounce their Opinion without hearing Parties or Counsel; and the Court to which such Petition shall be presented shall consider the same, and, if they think fit, shall appoint an early Day for hearing Parties or their Counsel on such Case, and shall pronounce their Opinion upon the Questions of Law as administered by them which are submitted to them by the Foreign Court; and in order to their pronouncing such Opinion they shall be entitled to take such further Procedure thereupon as to them shall seem proper, and upon such Opinion being pronounced a Copy thereof, certified by an Officer of such Court, shall be given to each of the Parties to the Action by whom the same shall be required.

Interpretation of Terms.

4. In the Construction of this Act the Word "Action" shall include every judicial Proceeding instituted in any Court, Civil, Criminal, or Ecclesiastical; and the Words "Superior Courts" shall include, in *England*, the Superior Courts of Law at *Westminster*, the Lord Chancellor, the Lords Justices, the Master of the Rolls, or any Vice-Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in *Scotland*, the High Court of Justiciary, and the Court of Session, acting by either of its Divisions; in *Ireland*, the Superior Courts of Law at *Dublin*, the Master

Master of the Rolls, and the Judge of the Admiralty Court; and in any other Part of Her Majesty's Dominions, the Superior Courts of Law or Equity therein; and in a Foreign Country or State, any Superior Court or Courts which shall be set forth in any such Convention between Her Majesty and the Government of such Foreign Country or State.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

## CAP. XII.

### An Act for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, and for the Benefit of *Bethlehem Hospital*. [17*th May* 1861.]

WHEREAS by an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for providing Relief for the poor Prisoners confined in the King's Bench, Fleet, and Marshalsea Prisons*, Provision is made for Payment of several Sums of Money by the Treasurers of the several Counties and Divisions of Counties mentioned in the Schedule annexed to the said Act, in part to the Treasurer of the County of *Surrey* for the Relief of the Prisoners confined in the King's Bench and Marshalsea Prisons, and in part to the Treasurer or Chamberlain of the City of *London* for the Relief of the Prisoners confined in the Fleet Prison; and it is by the said Act further enacted, that any Surplus that might remain of the several Sums of Money so to be paid as aforesaid, after relieving the Prisoners confined in the said Prisons, according to the Directions therein mentioned, should be paid by them to the Treasurer for the Time being of *Bethlem Hospital* for the Relief and Benefit of the said Hospital: And whereas by an Act passed in the Session holden in the Fifth and Sixth 53G.3.c.113.

Years of the Reign of Her present Majesty, Chapter Twenty-two, and intituled *An Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison*, the Fleet and Marshalsea Prisons were abolished, and by the Eighth Section of the said Act all Monies provided by the said first-mentioned Act to be paid for the Relief of Prisoners confined in the King's Bench, Fleet, and Marshalsea Prisons were directed to be paid to the Marshal or Keeper of the Queen's Prison without Prejudice to the Right of *Bethlem Hospital* to receive any Surplus that might remain after relieving the poor Prisoners in the Queen's Prison: And whereas it is expedient that the Contributions by the said Acts directed to be made by the several above-mentioned Counties and Divisions of Counties for the Relief of poor Prisoners and for the Benefit of *Bethlem Hospital* should be abolished: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 22.

53 G. 3 c. 113. and Sect. 8 of 5 & 6 Vict. c. 22. repealed.

1. The said Act passed in the Fifty-third Year of the Reign of King *George* the Third, Chapter One hundred and thirteen, and the said Eighth Section of the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Twenty-two, shall be repealed, and all Contributions required to be made by Counties or Divisions of Counties, in pursuance of the aforesaid Provisions, shall henceforth cease.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

***

Kind soever; the Words "Special Act" in the Act incorporated herewith shall mean this Act; and the Words "Promoters of the Undertaking" and "Company" in the Act incorporated herewith shall mean the Commissioners; the Word "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure, and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments; the Word "Person" shall include a Body Corporate.

Certain Clauses of 8 & 9 Vict. c. 16. incorporated.

2. The several Provisions of "The Lands Clauses Consolidation Act, 1845," except Sections 11, 12, 13, 14, 15, 16, 17, 123, 127, 128, 129, 130, 131, 132, 133, 134, 140, 148, 150, and 151 of such Act, shall, so far as the same Provisions may be respectively applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, as if re-enacted herein, and shall be applicable to the Purposes hereof.

Power to Admiralty to purchase Lands delineated on deposited Plan.

3. Subject and according to the Provisions of this Act, it shall be lawful for the Commissioners, if they think fit, at any Time hereafter to purchase or take all or any of the Lands delineated on the said Plan and mentioned in the said Book of Reference so deposited with the Clerk of the Peace for the County of *Devon* as aforesaid, or any Estate, Lease, Term, Share, or Interest thereof or therein, which they may at any Time or Times consider requisite, and for the Purposes of any such Purchase or taking as aforesaid to enter into, execute, and make and do all such Contracts, Assurances, and Things as may seem to them necessary or proper; and when so purchased or taken the same Lands shall be and become and continue vested in the Commissioners and their Successors in Office for the Time being, according to the Nature and Quality thereof respectively, and to the Estate, Term, Share, or Interest acquired therein respectively by the Commissioners, to be held and enjoyed by the Commissioners for the Time being in succession in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Power to Admiralty to stop up certain Ways delineated on deposited Plan.

4. After the Commissioners shall have purchased or acquired all or any of the said Lands, it shall be lawful for them, without any Writ being issued or other legal Proceeding being adopted, to stop up or alter all or any or any Part or Parts of the Ways delineated on the said Plan and mentioned in the said Book of Reference; and the Sites of the said Ways or of any Part or Parts thereof which may be so stopped up shall vest absolutely in the Commissioners and their Successors

Successors in Office for ever, in manner herein-before provided with respect to Lands purchased by them under or by virtue of this Act.

Power to Admiralty to stop up certain Sewers, &c.

5. It shall be lawful for the Commissioners, without any Writ being issued or other legal Proceeding being adopted, to stop up or divert all or any of the Sewers, Drains, or Pipes, be the same for Gas or Water or other Purposes, in, under, or through any of the Lands acquired or to be acquired by them under this Act, they, at the Cost of Her Majesty, if necessary, previously making, opening, or laying down another good and sufficient Sewer, Drain, or Pipe in lieu of any diverted or stopped up, and at such convenient Distance therefrom as to the Commissioners shall seem proper and necessary; and upon such substituted Sewer, Drain, or Pipe being completed or opened, or in case the same shall not be necessary, then as soon as Possession shall be taken by the Commissioners, the Site of such Sewer, Drain, or Pipe diverted or stopped up, and all Interest therein, shall vest absolutely in the Commissioners and their Successors for ever, in manner herein-before provided with respect to Lands purchased, taken, or acquired by the Commissioners under this Act; and the new Sewer, Drain, or Pipe shall vest in the same Commissioners, Trustees, or other Persons, and for the same Estate and Interest, in whom and for which the Sewer, Drain, or Pipe so diverted or stopped up was vested at the Time of the Diversion or Stoppage thereof by the Commissioners.

Power to Admiralty to enter Lands, for Survey, &c.

6. It shall be lawful for the Commissioners, their Surveyors, Officers, Agents, Servants, and Workmen, at all reasonable Times, and causing as little Damage or Inconvenience as may be, to enter into or upon any such Lands as the Commissioners are empowered to take under this Act, and to survey and value the same, without being liable to any Suit or Action in respect thereof.

Lands purchased liable to Land Tax to continue so.

7. All Lands purchased, taken, or acquired under the Authority of this Act which may be charged with the Land Tax shall continue liable thereto as they would have been had such Lands not been so purchased, taken, or acquired, but so, nevertheless, that the Commissioners shall have Power to redeem the Land Tax, under the Acts in that Behalf made, if and when they think fit.

Lands purchased liable to Water Rates to continue so.

8. All Lands taken, purchased, or acquired under the Authority of this Act which at the passing of the same may be charged or chargeable with the "Public Water Rate," under or by virtue of the *East Stonehouse* Waterworks Act, 1851, shall be liable thereto as they were at the passing of this Act or would hereafter be had such Lands not been so purchased, taken, or acquired, but so nevertheless that such Lands shall not be assessed at any higher Value or Rent than

than that at which such Lands were assessed at the passing of this Act, but shall be subject to the same proportionate Reduction of the Public Water Rate as may hereafter be made generally in respect of other rateable Property within the said Parish.

As to the Person to be rated under 14 & 15 Vict. c. cxi.

**9.** For the Purpose of Assessments made or to be made under the *East Stonehouse* Waterworks Act, 1851, the Barrack Master for the Time being of the Royal Marine Barracks in the Parish of *East Stonehouse* shall be deemed to be the Occupier of all Lands purchased, taken, or acquired under the Authority of this Act, and the Name of that Officer shall be inserted accordingly in all Assessments made by the *East Stonehouse* Waterworks Commissioners under the Authority of the *East Stonehouse* Waterworks Act, 1851, and Demand of Payment made in Writing at the Office of such Barrack Master shall be deemed a good Demand for all Purposes of recovering such Public Water Rate.

Supply of Water to be continued in respect to purchased Lands.

**10.** The *East Stonehouse* Water Commissioners shall after the passing of this Act, if at any Time or Times required by the Commissioners by Writing under the Hand of their Secretary, furnish and supply, upon the Lands taken, purchased, or acquired under the Authority of this Act, for the Use of the Commissioners and of the Officers, Men, and others in the said Barracks, the same Supply of Water as the said *East Stonehouse* Water Commissioners do and could have been required to furnish and supply to and in respect of the same Lands at the Time of the passing of this Act; and in case at any Time hereafter any general Increase in the Supply of Water shall be made to the Inhabitants rated under the *East Stonehouse* Waterworks Act, a proportionate Increase shall, if at any Times or Time required by the Commissioners in Writing as aforesaid, be also made in respect of the purchased Lands.

Services of Notices, &c.

**11.** Any Notice, Summons, Writ, or other Document required to be served on the Commissioners for the Purposes of this Act may be served by being delivered to their Solicitor for the Time being, or by being sent to him by Post addressed to him either at his Office or at the Admiralty, *Whitehall, London*, or by being left for him at one of those Places, and any Notice, Summons, Writ, or other Document required to be given by, from, or on behalf of the Commissioners, for the Purposes of this Act, shall be given under the Hand of their Solicitor for the Time being:

Power to Admiralty to withdraw Notice for taking of Lands,

**12.** If in any Case, after Notice has been given by the Commissioners for the taking of any Lands under this Act, it appears to them, from a Change of Circumstances or other Reasons, unnecessary or inexpedient to complete the taking of such Lands or any Part thereof,

thereof, it shall be lawful for them to give a further Notice to the Effect that they thereby withdraw the Notice for the taking of the Lands comprised in the first Notice, or such Part thereof as they may think fit, and thereupon the Lands comprised in the Notice of Withdrawal shall be wholly discharged from the Effect of the first Notice, and may be dealt with as if the first Notice had not been given, and the Commissioners shall be wholly discharged from any Obligation to take such Lands; without Prejudice, nevertheless, to any Claim of the Owner of such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the first Notice; provided that every such Notice of Withdrawal be given within Two Months after the giving of the first Notice; provided also, that nothing in this Enactment contained shall be construed to give to any Person receiving from the Commissioners a Notice for the taking of Lands any further or other Right as against the Commissioners than he would have had if this Enactment had not been contained in this Act.

but without Prejudice to Claims of Owners.

**13.** If any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plan or in the said Book of Reference so deposited as aforesaid, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply to Two Justices of the Peace for the Correction thereof; and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited with the Clerk of the Peace for the County of *Devon*, and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which they relate, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and the Commissioners may acquire the Lands mentioned in such Certificate, under or by virtue of this Act, as if such Omission, Mis-statement, or wrong Description had not been made.

Errors on Plan and in Book of Reference may be corrected by Two Justices, who shall certify the same.

Certificate, &c., to be deposited.

**14.** In lieu of a Bond, and with the same Effect as if a Bond were given as mentioned in Sections 85 and 87 of the Lands Clauses Consolidation Act, 1845, it shall be lawful for the Commissioners to give to the Person who under the said Act would otherwise be entitled to such Bond a written Undertaking, without any Surety therein, for such Payment or Deposit as in and by the said Act is in that Behalf provided, and according to the Condition of such Bond

Power to Admiralty to give Undertaking in lieu of Bond.

as therein is prescribed, so far as such Provisions and Conditions respectively shall and may be applicable to Proceedings under this Act, and the Commissioners shall not be required or be liable to be called upon to give any such Bond.

Power to the Admiralty to sell, &c., Lands not wanted.

15. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of or to let or demise any Lands acquired by or vested in them under this Act which at any Time shall not, in the Opinion of the Commissioners, be required for the Public Service, and in case of a Sale to sell the same, either by Public Auction or by Private Contract, and it shall be lawful for them to convey, surrender, and assign, or to grant or demise the same or any Part thereof, to any Person who shall be willing to purchase or take the same, and for that Purpose to make and execute all such Conveyances, Assurances, Leases, and Agreements as may be thought proper, and it shall also be lawful for the Commissioners to do any other Act, Matter, or Thing in relation to Lands acquired by or vested in them under this Act which shall by them be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, and which might be done by any other Person having in such Lands the like Estate, Term, Share, or Interest as they shall have therein; and all Lands obtained by the Commissioners in exchange shall vest in the Commissioners and their Successors in manner herein-before provided with respect to Lands purchased by the Commissioners.

How Purchase Money to be paid.

16. The Monies to arise and be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease of any Lands which shall be sold, let, exchanged, conveyed, or surrendered by the Commissioners, under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being, whose Receipt for such Monies, endorsed on the Conveyance, Assurance, or Lease, shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be so paid.

On Payment of Money Purchasers to stand seised of Lands purchased by them.

17. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid by the Commissioners, the Purchaser or Lessee therein named shall be deemed to stand seised or possessed of the Lands thereby conveyed or made over or leased to him, or (as the Case may require) the Lands taken in Exchange from the Commissioners shall go to the Uses therein expressed or referred to, in every Case freed and absolutely discharged of and from all and all manner of prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of the

the Lands so conveyed, made over, leased, or taken in Exchange by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in any such Conveyance, Assurance, or Lease shall be excepted.

Admiralty may sue and be sued, and pay and recover Costs.

**18.** It shall be lawful for the Commissioners to bring, prosecute, and maintain any Action of Ejectment or other Proceeding at Law or in Equity for recovering Possession of any Lands required by or vested in them under this Act, and to distrain or sue for any Arrears of Rent which shall become due for or in respect thereof under any Parol or other Demise from the Commissioners, and also to bring, prosecute, and maintain, or to defend, any other Action or Suit in respect of such Lands, or of any Trespass or Encroachment committed thereon, or Damage or Injury done thereto; and in every such Action, Proceeding, or Suit by or against the Commissioners they shall be called "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom," without any of them being named; and no such Action or Suit shall abate by the Death, Resignation, or Removal of the Commissioners or any of them, and the Commissioners shall in all such Actions, Suits, and Proceedings be entitled to recover and be liable to pay Costs as in ordinary Actions, Suits, and Proceedings between Subject and Subject.

Purchase Money, &c. how to be provided.

**19.** All Monies which under this Act shall be agreed to be paid by or shall be recovered against the Commissioners by way of Purchase or Compensation Money, or Damages, Costs, or otherwise, shall be paid by Monies to be provided and appropriated for that Purpose by Parliament.

Provisions of this Act may apply to any of the said Lands already purchased.

**20.** The Provisions of this Act shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, extend and be applicable to any of the said Lands purchased or taken or agreed to be purchased or taken by them before the passing of this Act, as also to all the Lands which shall hereafter be purchased or taken by virtue of this Act.

Nothing to lessen Powers of Admiralty.

**21.** Nothing in this Act shall extend to take away, lessen, or prejudice any Powers, Rights, or Authorities which would or might have been vested in or exercised by the Commissioners if this Act had not been passed.

Protection to Commissioners.

**22.** The Commissioners shall not, by reason of anything done or omitted to be done under this Act, be liable, collectively or individually,

dually, to any Fine, Penalty, or Forfeiture, or to Execution of any Process against the Person or Property.

Any Two Commissioners may execute Powers.

**23.** All Acts, Deeds, Matters, and Things hereby authorized to be done or executed by the Commissioners, and all Powers and Authorities hereby given to or conferred upon the Commissioners, may be done, executed, and exercised by any Two of them, and when so done, executed, or exercised the same shall be as valid and effectual as if the same were and had been done, executed, or exercised by all the Commissioners, and all Privileges hereby given to the Commissioners shall be enjoyed and may be exercised by any Two of them.

Lord High Admiral to have the same Powers as Commissioners of Admiralty.

**24.** If it shall please Her Majesty, Her Heirs and Successors, to appoint a Lord High Admiral of the United Kingdom, then, and so long and as often as there shall be a Lord High Admiral of the United Kingdom, all the Powers, Privileges, and Exemptions vested in or given to and all the Lands vested in the Commissioners under or by virtue of this Act shall be and become vested in the Lord High Admiral of the United Kingdom for the Time being, and all such Lands shall vest in him according to the Nature and Quality thereof respectively, and to the Estate, Term, Share, or Interest acquired therein respectively by him or the Commissioners in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and in any Action or Suit respecting any such Lands the Lord High Admiral shall be called "the Lord High Admiral of the United Kingdom," without being named; and no such Action or Suit shall abate by the Death, Resignation, or Removal of any Lord High Admiral; and in the Construction of the said incorporated Provisions in connexion with this Act the Lord High Admiral for the Time being shall be deemed to be himself solely the Promoter of the Undertaking, and he shall have sole Authority for carrying this Act into effect, and generally in all respects as far as may be the Lord High Admiral for the Time being shall come in place of the Commissioners for the Purpose of this Act.

Powers for compulsory Purchases limited.

**25.** The compulsory Powers hereby given for effecting the Purchases of and taking Lands shall not be exercised after the Expiration of Five Years from the passing of this Act.

Short Title.

**26.** This Act may be cited as "The *Plymouth* Marine Barracks Act, 1861."

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

***

Officer to the Postmaster General, and the Acknowledgment of the Postmaster General, signified by the Officer whom he shall appoint for the Purpose, shall be forthwith transmitted to the Depositor, and the said Acknowledgment shall be conclusive Evidence of his Claim to the Repayment thereof, with the Interest thereon, upon Demand made by him on the Postmaster General; and, in order to allow a reasonable Time for the Receipt of the said Acknowledgment, the Entry by the proper Officer in the Depositor's Book shall also be conclusive Evidence of Title for Ten Days from the Lodgment of the Deposit; and if the said Acknowledgment shall not have been received by the Depositor through the Post within Ten Days, and he shall, before or upon the Expiry thereof, demand the said Acknowledgment from the Postmaster General, then the Entry in his Book shall be conclusive Evidence of Title during another Term of Ten Days, and *toties quoties:* Provided always, that such Deposits shall not be of less Amount than One Shilling, nor of any Sum not a Multiple thereof.

Depositors entitled to Repayments not later than Ten Days after Demand made.

3. On Demand of the Depositor or Party legally authorized to claim on account of a Depositor, made in such Form as shall be prescribed in that Behalf, for Repayment of any Deposit, or any Part thereof, the Authority of the Postmaster General for such Repayment shall be transmitted to the Depositor forthwith, and the Depositor shall be absolutely entitled to Repayment of any Sum or Sums that may be due to him within Ten Days at farthest after his Demand shall be made at any Post Office where Deposits are received or paid.

Names of Depositors, &c. not to be disclosed.

4. The Officers of the Postmaster General engaged in the Receipt or Payment of Deposits shall not disclose the Name of any Depositor nor the Amount deposited or withdrawn, except to the Postmaster General, or to such of his Officers as may be appointed to assist in carrying this Act into operation.

Money to be paid to Commissioners for the Reduction of the National Debt, and repaid to Depositors through Post Office.

5. All Monies so deposited with the Postmaster General shall forthwith be paid over to the Commissioners for the Reduction of the National Debt; and all Sums withdrawn by Depositors, or by Parties legally authorized to claim on account of Depositors, shall be repaid to them out of the said Monies, through the Office of Her Majesty's Postmaster General.

Additional Security to Depositor.

6. If at any Time the Fund to be created under the Authority of this Act by the Investment of the Deposits shall be insufficient to meet the lawful Claims of all Depositors, it shall be lawful for the Commissioners of Her Majesty's Treasury, upon being duly informed thereof by the Commissioners for the Reduction of the National Debt, to issue the Amount of such Deficiency out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the said Commissioners of Her Majesty's Treasury shall certify such Deficiency to Parliament.

7. The

*Post Office Savings Banks.*

7. The Interest payable to the Parties making such Deposits shall be at the Rate of Two Pounds Ten Shillings *per Centum per Annum*, but such Interest shall not be calculated on any Amount less than One Pound or some Multiple thereof, and not commence until the First Day of the Calendar Month next following the Day of Deposit, and shall cease on the First Day of the Calendar Month in which such Deposit is withdrawn.

Rate of Interest payable to Depositors.

8. Interest on Deposits shall be calculated to the Thirty-first Day of *December* in every Year, and shall be added to and become Part of the Principal Money.

Interest how calculated.

9. The Monies remitted to the Commissioners for the Reduction of the National Debt under the Authority of this Act shall be invested in some or in all of the Securities in which the Funds of Savings Banks established under the existing Laws may be invested; and a separate and distinct Account shall be kept by the said Commissioners of all Receipts, Investments, Sales, and Repayments; and a Balance Sheet of such Account from the First of *January* to the Thirty first of *December* in every Year shall be laid before both Houses of Parliament not later than the Thirty-first of *March* in every Year.

Investment of Funds received under this Act.

10. If any Depositor making deposit under this Act shall desire to transfer the Amount of such Deposit to a Savings Bank established under the Acts relating to Savings Banks, he shall, upon Application to the chief Office of the Postmaster General, be furnished with a Certificate stating the whole Amount which may be due to him, with Interest, and thereupon his Account under this Act shall be closed; and, upon Delivery of such Certificate to the Trustees or Managers of the Savings Bank to which it is proposed by the Depositor to transfer such Deposit, they shall, if they think fit, open an Account for the Amount stated in such Certificate for such Depositor, who shall thereupon be subject to the Rules of such Savings Bank; and the Amount so transferred shall, upon such Certificate being forwarded to the Commissioners for the Reduction of the National Debt, be written off in the Books of the said Commissioners from the Amount of Monies received under the Authority of this Act, and shall be carried to the Account of the Savings Bank to which such Transfer shall have been made; and, in like Manner, if any Depositor in a Savings Bank established under the Savings Bank Acts shall desire to transfer the Amount due to him, with Interest, from such Savings Bank to the Postmaster General, for deposit under the Provisions of this Act, the Trustees or Managers of such Savings Bank shall, upon his Request, furnish such Depositor with a Certificate, in a Form to be approved by the Commissioners for the Reduction of the National Debt, signed by Two Trustees of such Savings Bank, and thereupon his Account with such Savings Bank shall be closed, which Certificate the Depositor may deliver to any Officer of the Postmaster General authorized to receive Deposits under this Act,

Depositors desiring to transfer their Deposits.

Act, and such Certificate shall for the Amount therein set forth be considered to be a Deposit made under the Authority of this Act, and being forwarded to the said Commissioners, the said Amount shall then be transferred in the Books of the said Commissioners from the Account of the said Savings Bank to the Credit of the Account of Monies deposited under the Authority of this Act. Provided always, that nothing contained in this Act respecting Savings Banks shall render it necessary to have the Rules and Regulations of any Savings Bank again certified if the same have been before certified according to Law.

Not necessary to have Rules, &c. of Savings Banks again certified.

Postmaster General, with Consent of Treasury, to make Regulations.

**11.** The Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may make, and from Time to Time, as he shall see Occasion, alter Regulations for superintending, inspecting, and regulating the Mode of keeping and examining the Accounts of Depositors, and with respect to the making of Deposits and to the Withdrawal of Deposits and Interest, and all other Matters incidental to the carrying this Act into execution, in his Department, and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act; and Copies of all Regulations issued under the Authority of this Act shall be laid before both Houses of Parliament within Fourteen Days from the Date thereof, if Parliament shall be then sitting, and if not then within Fourteen Days from the next re-assembling of Parliament.

Copies of Regulations to be laid before Parliament.

Accounts to be laid before Parliament.

**12.** An annual Account of all Deposits received and paid under the Authority of this Act, and of the Expenses incurred during the Year ended the Thirty-first of *December*, together with a Statement of the total Amount due at the Close of the Year to all Depositors, shall be laid by the Postmaster General before both Houses of Parliament not later than the Thirty-first of *March* in every Year.

Accounts to be examined by Commissioners of Audit.

**13.** The annual Accounts of the Postmaster General, and of the Commissioners for the Reduction of the National Debt, to the Thirty-first of *December* in each Year, in respect to all Monies deposited or invested under the Authority of this Act, shall annually, prior to the Thirty-first of *March* in each Year, be submitted for Examination and Audit to the Commissioners for auditing Public Accounts.

Provisions of Savings Bank Acts applicable to this Act.

**14.** All the Provisions of the Acts now in force relating to Savings Banks as to Matters for which no other Provision is made by this Act shall be deemed applicable to this Act, so far as the same are not repugnant thereto.

Expenses of Act.

**15.** All Expenses incurred in the Execution of this Act shall be paid out of the Monies received under the Authority of this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

**********

## CAP. XV.

### An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess *Alice Maud Mary*. [17th *May* 1861.]

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled having taken into consideration Your Majesty's most Gracious Message, that Your Majesty has agreed to a Marriage proposed between Her Royal Highness the Princess *Alice Maud Mary* and His Grand Ducal Highness Prince *Frederic William Louis* of *Hesse*, do most humbly beseech Your Majesty that it may be enacted: And be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Her Majesty to grant an Annuity of 6,000*l.* to Her Royal Highness the Princess Alice Maud Mary for Life.

It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to grant unto Her Royal Highness the Princess *Alice Maud Mary* or to such Persons as Her Majesty thinks fit, to be named in such Letters Patent, in trust or for the Use of Her Royal Highness, an Annuity of Six thousand Pounds, to be settled on Her Royal Highness for

*Princess Alice's Annuity.*

Life, in such Manner as Her Majesty thinks proper, such Annuity to commence from the Date of the Marriage of Her Royal Highness with His Grand Ducal Highness Prince *Frederic William Louis* of *Hesse*, to be free from all Taxes, Assessments, and Charges, and to be paid quarterly on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*; the First Payment to be made on such of the said quarterly Days as happens next after the said Marriage of such Portion of the said Annuity as may have accrued between the Date of such Marriage and such quarterly Day, and a proportionate Part to be payable for the Period from the last quarterly Day of Payment to the Day of the Determination thereof: The above Annuity shall be charged on and be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, after paying or reserving sufficient to pay such Sums as may have been directed to be paid out of the said Fund by former Acts of Parliament, but with Preference to all other Payments which may hereafter be charged on the said Fund.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

***

in Trinity Church, Rainow, declared valid.

respectively being duly ordained Ministers of the Church of *England*, and the Publication of Banns in such Church or Chapel by such Minister or Clergyman previous to any such Marriages, shall be and be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if such Marriages had been solemnized, and such Publication of Banns had taken place, in the Parish Church of *Prestbury*.

Ministers having solemnized such Marriages indemnified.

2. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures or to any other Proceedings or Penalties whatsoever by reason of his having so solemnized the same respectively.

Registers of such Marriages or Copies thereof to be Evidence.

3. The Registers of the Marriages so solemnized, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively in the same Manner as Registers of Marriages in Parish Churches, or Copies thereof are by Law receivable in Evidence.

The Validity of such Marriages in certain other Churches and Chapels not to be questioned.

4. And whereas by Error Banns have been published and Marriages have been solemnized in Churches and Chapels duly consecrated, but in which Churches or Chapels Banns cannot be legally published nor Marriages by Law be solemnized, and it is expedient to remove all Doubt arising from the Circumstances aforesaid touching the Publication of such Banns and the Validity of such Marriages: Be it therefore enacted, That all Banns already published and all Marriages already solemnized in such Churches and Chapels as aforesaid shall not hereafter be questioned on account of the said Banns having been published or the said Marriages solemnized in a Church or Chapel not legally authorized for the Publication of Banns and Solemnization of Marriages, and the Minister or Ministers who solemnized the same shall not be liable to any Ecclesiastical Censures or to any Proceedings or Penalties by reason thereof, provided he or they be rightly ordained; and the Registers of all Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the Publication of Banns or Solemnization of Marriages in any of such Churches or Chapels, or in the said Church or Chapel called *Trinity Church, Rainow*, hereafter.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

***

Concourse of the Lord Advocate.

of the Lord Advocate, anything in the said Act to the contrary notwithstanding; provided always, that the Expenses of every such Complaint shall be in the Discretion of the Sheriff, Magistrate, or Justices before whom the same may be brought, and he or they shall determine the Amount thereof.

Certain Burghs to include the Area within the Parliamentary Boundaries.

2. Burghs of Barony or Regality which send or contribute to send a Member to Parliament shall, for the Purposes of the said recited Act and this Act, be deemed to include, and shall include, the whole Area contained within the Parliamentary Boundaries thereof.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

**********

## CAP. XVIII.

### An Act to make Provision for the Dissolution of Combinations of Parishes in *Scotland* as to the Management of the Poor. [7th *June* 1861.]

WHEREAS by an Act passed in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the Amendment and Administration of the Laws relating to the Relief of the Poor in* Scotland, it was provided, in the Sixteenth Section thereof, that the Board of Supervision thereby established, if satisfied that the Administration of the Affairs of the Poor in any Two or more Parishes, "might "be carried on with greater Advantage to the said Parishes and "to the Poor therein, by the said Parishes being combined for "the Purposes" of the said Act, to resolve and declare that such Parishes should thenceforward be combined for the Purposes of the said Act: And whereas no Power is by the said Act conferred on the Board of Supervision, or on any other Tribunal, to dissolve, under any Circumstances, a Combination of Parishes once effected under Authority of the said Act: And whereas it is expedient that Power should be conferred on the said Board, in the Cases and subject to the Provisions after mentioned, to dissolve such Com-

8 & 9 Vict. c. 83.

 binations

binations of Parishes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Parochial Board of Combination may appoint Special Meeting for Application for Dissolution.

1. It shall be lawful for the Parochial Board of any Combination of Parishes which may have been combined under the Provisions of the said recited Act, at One of its fixed General Meetings, to resolve that it is expedient that the Combination should, as to all or as to certain of the Parishes thereof, be dissolved, and thereupon to appoint a Special Meeting of the Board for the Purpose of considering whether an Application should be made to the Board of Supervision, craving the said Board of Supervision so to dissolve such Combination; provided always, that Notice shall have been given by the Member or Members of the Parochial Board intending, at such Meeting, to propose such Resolution, of his or their Intention then to propose the same, to every other Member thereof, by Letter addressed to each such Member at his ordinary Place of Residence, and put into the Post Office at least One Month prior to such General Meeting; and the Special Meeting, if resolved to be appointed, shall be appointed to be held on a Day not sooner than Three Weeks nor later than Six Weeks after the Date of such Resolution.

Intimation of Special Meeting.

2. Intimation shall be given of the Special Meeting appointed as aforesaid by Letters addressed by the Inspector of the Poor to every Member of the Parochial Board at his usual Place of Residence, and put into the Post Office at least One Fortnight before the Day of Meeting, and specifying the Time and Place of Meeting, and the Purpose for which such Meeting has been appointed to be held.

Special Meeting may authorize Application to Board of Supervision.

3. At such Special Meeting, if the Parochial Board shall unanimously, or by a Majority of at least Two Thirds, agree to the proposed Application being made, but not otherwise, it shall be lawful for the Parochial Board to authorize an Application, in their Name, to be transmitted to the Board of Supervision, praying such Board of Supervision to dissolve the Combination as to all or any of the Parishes thereof, and the Chairman of the Parochial Board shall thereupon sign and forthwith transmit to the Board of Supervision such Application accordingly; and the said Parochial Board may also transmit to the Board of Supervision a Statement of their Reasons in support of such Application; and any Members of the Parochial Board who may dissent from the Resolution to make such Application may, within Ten Days after the Date of such Resolution, give in to the Chairman a Statement of their Reasons of Dissent,

Dissent, which Statement the Chairman shall forthwith transmit to the Board of Supervision.

Board of Supervision may thereupon dissolve Combination;

4. The Board of Supervision, on receiving any such Application shall make such Inquiry as to them shall seem necessary and proper; and the said Board of Supervision after such Inquiry shall have Power, if satisfied, from any Change in the Condition and State of the Parishes, or on consideration of the Results of the Experience already had of the Administration of the Poor since the Parishes were combined, that it is not for the Advantage of the Parishes, or of the Poor thereof, that the Administration of the Affairs of the Poor should be continued in these Parishes in a State of Combination, to dissolve the Combination as to all or any of the Parishes thereof in Terms of the Prayer of the Application, or they may, if they see Cause, refuse such Application.

and decide all Questions between the Parishes.

5. If the Board of Supervision shall dissolve any such Combination as aforesaid, they shall further, after such Inquiry as they shall deem necessary and proper, determine all Questions as to the Liability of the several Parishes which had constituted the Combination to support particular Paupers in Time to come, and as to the Obligations incumbent on the Combination, and the Shares thenceforward to be borne by the several Parishes thereof, and as to any Property belonging to the Combination, and the Division or Destination to be thereafter made of it, and any Claims of Compensation thence arising; and generally they shall have Power to dispose of all Questions and Claims between the several Parishes in reference to the Affairs of the Poor in so far as affected by the Dissolution as aforesaid, and all Decisions and Determinations by the Board of Supervision shall be final and conclusive, and shall not be subject to Review by any Court, whether by Appeal, Advocation, Suspension, Reduction, or otherwise.

After Dissolution, Management of Poor to proceed as if Parishes never combined.

6. On any such Dissolution taking place as aforesaid, the Management of the Poor in every Parish which shall, in consequence, have ceased to form Part of a Combination of Parishes, and the Administration of the Laws relating to the Relief of the Poor in such Parish and to the raising the necessary Funds for their Relief, shall, from and after a Day to be named by the Board of Supervision as the Date at which the Dissolution shall take effect, and subject to the Decisions and Determinations of the said Board herein-before mentioned, be carried on in every such Parish as if no such Combination had ever been formed.

7. If

If Application refused not to be renewed till after Lapse of Five Years.

7. If the Board of Supervision shall refuse any such Application for Dissolution as aforesaid, it shall not be lawful for the Parochial Board whose Application has been refused to renew such Application till after the Lapse of Five Years from the Date at which it was so refused.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

***

10,000,000*l.* out of the Consolidated Fund.

of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 10,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

**2.** It shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Ten Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

**3.** All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

**4.** The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 10,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

**5.** It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

**6.** It

6. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

7. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

8. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO

# VICTORIÆ REGINÆ.

***

and (C.) to this Act annexed; and the several Drawbacks therein specified and contained shall be allowed, and such Rates, Duties, and Drawbacks shall respectively take effect, at or from the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods respectively specified or mentioned in that Behalf in the said Schedules; and where with regard to any of such Rates, Duties, and Drawbacks no Time is so specified for the Commencement thereof, the same shall commence and take effect from and after the passing of this Act; and where with regard to any of the said Rates, Duties, and Drawbacks no Period is so as aforesaid specified or limited for the Duration thereof, the same shall continue to be charged, collected, paid, and allowed until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Act to apply.

2. All the Powers, Provisions, Clauses, Regulations, Allowances and Exemptions, Forfeitures, Pains and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively and in force at the Time of the passing of this Act, or as regards the Income Tax in force on the Fifth Day of *April* One thousand eight hundred and sixty-one, shall respectively be of full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates and Duties by this Act granted respectively.

Persons entrusted with the Payment of Dividends and Interest due since 5th April 1861, and before the passing of this Act, to make Returns thereof to the Special Commissioners in order to the Assess-

3. And whereas since the Fifth Day of *April* now last past and before the passing of this Act divers Dividends, Annuities and Shares of Annuities, and Interest on Loans and on Bonds, Debentures, and other Securities directed by the Acts relating to the Income Tax in force on the said last-mentioned Day to be assessed under Schedule (C.) of the said Acts have become due and payable, and by reason of the Expiration of the said Acts before the passing of this Act have not been assessed and charged with the said Tax; and it is expedient to provide for the Assessment thereof with the Rates and Duties of Income Tax granted by this Act, and for the Collection of the Sums assessed from the Persons respectively to whom such Dividends,

dends, Annuities, Shares, and Interest have been paid or who are entitled thereto:

ment of the Persons who have received such Dividends and Interest.

Be it enacted, That all Persons respectively entrusted with the Payment of any such Dividends, Annuities, Shares, or Interest as aforesaid, or who have paid the same, either as Agent or otherwise, shall, within One Calendar Month after the passing of this Act, deliver or cause to be delivered to the Commissioners for Special Purposes at the Head Office of Inland Revenue at *Somerset House* in the City of *Westminster* an Account in Writing, duly authenticated and signed by such Persons respectively, containing a Description of all such Dividends, Annuities, Shares, and Interest entrusted to them for Payment which have become due or payable since the Fifth Day of *April* last, and also a true and perfect Account of the Names and Residences of the several Persons to whom the same have become due or payable, and the several Sums which have been so paid to them, or to which they have become entitled respectively; and the said Commissioners for Special Purposes shall make Assessments thereon respectively, under Schedule (C.) of the Acts relating to the Income Tax, of the Rates and Duties of Income Tax granted by this Act, and the Sum so assessed shall be paid to the Receiver General of Inland Revenue by the several Persons who shall have received or are entitled to such Dividends, Annuities, Shares, and Interest respectively; and in default of such Payment the Sums so assessed shall be recoverable from the said last-mentioned Persons, and shall be collected and levied in like Manner as any other Assessments made by the said Commissioners are or may be by Law directed or authorized to be recovered, collected, or levied: Provided always, that if any Sum so assessed shall not be so paid, recovered, or collected by or from any Person chargeable therewith, and such Person shall at any Time hereafter become entitled to any further Payment of the like Dividends, Annuities, Shares, or Interest, the Person entrusted with the Payment thereof as aforesaid shall, on Notice and Requisition from the said Commissioners in that Behalf, deduct and retain from and out of such further Payment any such Sum assessed and remaining unpaid as aforesaid, as well as any further Assessment chargeable in respect of such further Payment of the said Dividends, Shares, Annuities, or Interest; and the Person deducting and retaining any such Sum of Money assessed as aforesaid shall pay the same into the Bank of *England* to the Account of the said Receiver General, in like Manner as he is by any Act relating to the Income Tax required or directed to pay over any other Sums of Money deducted or retained by him for Income Tax; and if any Person entrusted with the Payment of or who hath paid any such Dividends, Annuities, Shares, or Interest as aforesaid, either as Agent or otherwise, shall neglect or

Dividends and Interest, due since 5th April to be assessed by the Special Commissioners.

or refuse to do any Act hereby required or directed to be done or performed by him, he shall forfeit the Sum of One hundred Pounds.

On and after October 1, 1861, the Excise Duties, Allowances, and Drawbacks on Paper, and Customs Duties on Articles specified in Schedule (D.), repealed, except as to Arrears and Penalties.

4. On and after the First Day of *October* One thousand eight hundred and sixty-one the Duties of Excise now payable on Paper of any Denomination, and Buttonboard, Millboard, Pasteboard, and Scaleboard, and also the Duties of Customs now payable upon the Importation into the United Kingdom of the Articles specified and contained in Schedule (D.) to this Act annexed, and also all Allowances and Drawbacks of or in respect of any of such Duties; shall cease, and shall be no longer charged, levied, allowed, or paid respectively; and all Acts, Clauses, Provisions, and Regulations for charging, levying, collecting, allowing, and paying the said Duties, Allowances, and Drawbacks respectively shall be and the same are hereby repealed; save and except as to all such Duties, Allowances, and Drawbacks, and all Fines, Penalties, and Forfeitures, as have respectively been charged or incurred, or become payable, or which before the said last-mentioned Day may be charged or incurred, or become payable, and then remain in arrear or unrecovered or unpaid; all which said Duties, Allowances, and Drawbacks, Fines, Penalties, and Forfeitures, so in arrear or unrecovered or unpaid as aforesaid, may be sued for, recovered, collected, levied, and paid respectively as if this Act had not been passed.

Stationers entitled to Allowance of Excise Duty in respect of unbroken Reams, &c. of Paper in their Stock.

5. Provided always, That any Stationer, Pasteboard Maker, or Paper Stainer who shall have in his Stock or Possession on the First Day of *October* One thousand eight hundred and sixty-one One Ton Weight of Paper of any Denomination, Buttonboard, Millboard, or Pasteboard, or any or either of them, on which the Duties of Excise have been fully charged, and shall produce the same to the proper Officer of Excise authorized by the Commissioners of Inland Revenue to take an Account thereof, in Reams, Half Reams, or Parcels, whole and unopened, with the Wrapper unbroken and the Excise Label thereon uncancelled and unobliterated, shall be entitled to claim and be allowed the whole or such Proportion as herein-after mentioned of the Duty charged on such Paper, Buttonboard, Millboard, and Pasteboard respectively; (that is to say,) if such Paper, Buttonboard, Millboard, or Pasteboard shall have been charged with Duty after the Fifteenth Day of *May* One thousand eight hundred and sixty-one, the whole of the Duty so charged; and if such Paper, Buttonboard, Millboard, or Pasteboard shall have been charged with Duty at any Time on or before the said last-mentioned Day, then at the Rate of One Penny for every Pound Weight Avoirdupois of such last-mentioned Paper, Buttonboard, Millboard, and Pasteboard, and such Allowance

Allowance shall be claimed and be repaid to the Party entitled thereto in the Manner directed by and under and subject to the Provisions of this Act, and such Rules and Regulations as the Commissioners of Inland Revenue may make in that Behalf.

**Mode of claiming Allowance of Excise Duty on Paper.**

**6.** Every Person who shall claim to be entitled to any such Allowance of Duty as aforesaid shall separate the Paper, Buttonboard, Millboard, and Pasteboard charged after the Fifteenth Day of *May* One thousand eight hundred and sixty-one on which he intends to claim any such Allowance from that charged on or before the said last-mentioned Day, and shall keep it separate until the Officer of Excise has taken the Account by this Act directed to be taken, and shall within Two Days next after the said First Day of *October* One thousand eight hundred and sixty-one give Notice in Writing to the proper Officer of Excise of the Division in which the Paper, Buttonboard, Millboard, or Pasteboard shall be deposited of his Name and Place of Abode, and the Description of Business carried on by him, and also of the particular House, Shop, or Warehouse in which any Paper, Buttonboard, Millboard, or Pasteboard in respect of which he intends to claim any such Allowance shall be kept or deposited, and specifying the Number of Reams, Half Reams, or Parcels of such Paper, Buttonboard, Millboard, or Pasteboard, and the Weight marked, written, or printed on each Ream, Half Ream, or Parcel by the Maker thereof, distinguishing that whereon the Duty shall have been charged after the Fifteenth Day of *May* One thousand eight hundred and sixty-one from that whereon the Duty was charged on or before the said last-mentioned Day, and the total Weight of each Quantity so distinguished, and the Amount of the Allowance of Duty claimed in respect thereof; and if any Person claiming such Allowance as aforesaid shall neglect or fail in any respect to comply with the Regulations or Directions in this Act contained or authorized to be made or given, or shall do anything contrary thereto, he shall not have or be entitled to any Allowance in respect of any Paper, Buttonboard, Millboard, or Pasteboard in his Stock or Possession.

**Officer to examine Claims and Stock, and to grant Certificate of Allowance.**

**7.** The proper Officer of Excise authorized by the Commissioners of Inland Revenue shall, as soon as conveniently may be after such Notice given as aforesaid, attend at the Place therein mentioned as the Place where any such Paper, Buttonboard, Millboard, or Pasteboard is deposited, and shall there examine, weigh, and take an Account of the same, and ascertain and compute the Amount of the Allowance to which the Claimant may be entitled in respect thereof; and such Officer shall with all convenient Speed give to such Claimant a Certificate expressing the true Quantity and Weight of the Paper,

Buttonboard, Millboard, and Pasteboard respectively in respect of which such Claimant shall be entitled to the Allowance, distinguishing the Quantity on which the Duty may have been charged after the Fifteenth Day of *May* One thousand eight hundred and sixty-one from that whereon the Duty has been charged on or before the said last-mentioned Day, and specifying the Amount of the Allowance in respect of each such Quantity, and the aggregate Amount of both, and also the Name and Place of Abode of the Person entitled thereto, and the Description of Business carried on by him.

Declaration to be made of the Truth of the Certificate, and Collector to pay the Amount of the Allowance.

8. On the Production of such Certificate by the Claimant or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Claimant before a Justice of the Peace or such Collector that the whole Quantity of the said Paper, Buttonboard, Millboard, and Pasteboard of the respective Kinds mentioned in such Certificate was at the Time therein specified in his Stock or Possession, and was the sole Property of such Claimant, or of him and his Copartner in Trade, (as the Case may be,) and that the same or any Part thereof hath not been taken account of for the Purpose of obtaining the said Allowance more than once, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of such Paper, Buttonboard, Millboard, or Pasteboard, or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, the said Collector, being satisfied of the Truth of such Declaration, shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the said Claimant or his Agent the Sum of Money specified in such Certificate at the next Sitting Day which shall be held for the Collection or Receipt of Excise Duties next after the Expiration of One Week from the Production of such Certificate and the making of such Declaration as aforesaid.

Penalty for forged or false Certificate or false Declaration.

9. And if any Person shall forge or counterfeit, or cause to be forged or counterfeited, any Certificate by this Act directed to be given, or shall knowingly or wilfully give any false or untrue Certificate, or shall alter or erase, or cause to be altered or erased, any such Certificate granted by any Officer of Excise, or shall make use of or in any Manner utter such Certificate, knowing the same to be forged, counterfeited, false, untrue, altered, or erased, or if any Person shall knowingly or wilfully make any false Declaration in relation to any such Certificate, or any of the Matters therein expressed or contained, every Person so offending shall for every such Offence forfeit the Sum of Five hundred Pounds.

SCHE-

# SCHEDULES.

## SCHEDULE (A.)

Containing the RATES and DUTIES of CUSTOMS granted, and the DRAWBACKS allowed on the following ARTICLES, by this ACT.

The Duties of Customs now charged on the Articles next mentioned shall continue to be levied and charged, on and after the First Day of July One thousand eight hundred and sixty-one until the First Day of July One thousand eight hundred and sixty-two, on Importation into Great Britain and Ireland; that is to say,

Duties now charged on Tea, Sugar, &c. continued until 1st July 1862.

| | | £ | s. | d. |
|---|---|---|---|---|
| Tea (without any Allowance for Draft) | the lb. | 0 | 1 | 5 |
| Almonds, Paste of | the lb. | 0 | 0 | 2 |
| Cherries, dried | the lb. | 0 | 0 | 2 |
| Comfits, dry | the lb. | 0 | 0 | 2 |
| Confectionery | the lb. | 0 | 0 | 2 |
| Ginger, preserved | the lb. | 0 | 0 | 2 |
| Marmalade | the lb. | 0 | 0 | 2 |
| Plums, preserved in Sugar | the lb. | 0 | 0 | 2 |
| Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated | the lb. | 0 | 0 | 2 |
| SUGAR; viz. | | | | |
| Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto | the Cwt. | 0 | 18 | 4 |
| White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined | the Cwt | 0 | 16 | 0 |
| Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed | the Cwt. | 0 | 13 | 10 |
| Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar | the Cwt. | 0 | 12 | 8 |
| Cane Juice | the Cwt. | 0 | 10 | 4 |
| Molasses | the Cwt. | 0 | 5 | 0 |

The

The following Drawbacks shall be allowed on Exportation to Foreign Parts, or on Removal to the Isle of Man for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned, on and after the First Day of July One thousand eight hundred and sixty-one until the First Day of July One thousand eight hundred and sixty-two; that is to say,

| | £ | s. | d. |
|---|---|---|---|
| Upon Refined Sugar, in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard No. 3 approved by the Lords of the Treasury - - for every Cwt. | 0 | 17 | 2 |
| Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters for every Cwt. | 0 | 17 | 2 |
| Upon Refined Sugar unstoved, pounded, crushed or broken, and not in any way inferior to the Export Standard Sample No. 1 approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove - - - - for every Cwt. | 0 | 16 | 4 |
| Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2 approved by the Lords of the Treasury - - - for every Cwt. | 0 | 15 | 1 |
| Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2. for every Cwt. | 0 | 12 | 8 |

Duty on Chicory.

In lieu of the Duties of Customs now charged on the Articles under mentioned, the following Duties of Customs shall, on and after the Sixteenth Day of April One thousand eight hundred and sixty-one, be charged thereon on Importation into Great Britain and Ireland; that is to say,

| | £ | s. | d. |
|---|---|---|---|
| CHICORY, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee; viz. | | | |
| Raw or kiln-dried - - - - the Cwt. | 0 | 12 | 0 |

SCHE-

## SCHEDULE (B.)

### Containing the Duties of Excise granted by this Act.

Chicory:

For and upon all Chicory or any other Vegetable Matter applicable to the Uses of Chicory or Coffee grown in the United Kingdom;

For every Hundredweight thereof, raw or kiln-dried, until the First Day of April One thousand eight hundred and sixty-two, the Duty of Eight Shillings and Sixpence, and on and after that Day the Duty of Eleven Shillings, and so in proportion for any greater or less Quantity than a Hundredweight:

In lieu of the Duties of Excise now payable thereon.

---

## SCHEDULE (C.)

### Containing the Rates and Duties of Income Tax granted by this Act.

For One Year, commencing on the Sixth Day of April One thousand eight hundred and sixty-one, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties, that is to say:—

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of Ninepence;

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof—

In England the Rate or Duty of Fourpence Halfpenny; and

In Scotland and Ireland respectively the Rate or Duty of Threepence;

Subject to the Provision contained in the said Act, Sixteen and Seventeen Victoria, Chapter Thirty-four, Section Twenty-eight, for the Relief of Persons whose Incomes are under 150*l* a Year respectively, from so much of the said Duties as shall exceed the Rate of Sixpence for every Twenty Shillings of their respective Profits and Gains, computed as in the said Enactment is mentioned, and subject also to the Provision therein contained for the Exemption of Persons whose Incomes from every Source shall be less than 100*l*. a Year respectively.

---

## SCHEDULE (D.)

Specifying the ARTICLES upon which CUSTOMS DUTIES are to cease by this ACT.

The Duties of Customs chargeable upon the Goods, Wares, and Merchandise next herein-after mentioned, imported into Great Britain and Ireland, shall cease and determine on and after the First Day of October One thousand eight hundred and sixty-one; (that is to say,)

Paper; viz.

Brown Paper, made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith.

Printed, painted, or stained Paper Hangings or Flock Paper.

For Printing or Writing.

Gilt, stained, coloured, embossed, and all fancy Kinds, not being Paper Hangings, or Paper fit for Printing or Writing.

Waste Paper, or Paper of any other Sort not particularly enumerated or described, not otherwise charged with Duty.

Millboards.

Pasteboard.

Books; viz.

——— being of Editions printed in or since the Year 1801, bound or unbound.

——— admitted under Treaties of International Copyright, or if of and from any British Possession.

Prints and Drawings; viz.

——————— plain or coloured.

——————— admitted under Treaties of International Copyright.

——————— or, and at the Option of the Importer,

——————— ——— Single.

——————— ——— Bound.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

** **********

## CAP. XXI.

## An Act for granting to Her Majesty certain Duties of Excise and Stamps. [28th *June* 1861.]

Most Gracious Sovereign:

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**Grant of Duties specified in Schedules annexed.**

1. There shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, the several Duties of Excise and Stamps specified and contained in the Schedules marked respectively (A.) and (B.) to this Act annexed, which said Duties shall commence and take effect at or from the respective Times specified or mentioned

 in

in that Behalf in the said Schedules; and where with regard to any of such Duties no Time is so specified for the Commencement thereof, the same shall commence and take effect from and after the passing of this Act: Provided, that the last-mentioned Duties imposed on any of the several Instruments, Matters, and Things described in the said Schedule (B.) shall be chargeable in respect of such of them only as shall be dated, or, if there be no Date, made or signed at any Time after the Day of the passing of this Act.

Power to Licensed Dealers in Spirits taking out an additional Licence to retail and send out Foreign or British Spirits in less Quantities than Two Gallons.

2. Any Person duly licensed as a Dealer in Spirits in *England* may take out an additional Licence authorizing him to sell by Retail Foreign or *British* Spirits in any Quantity not less than One reputed Quart Bottle, or, as to Foreign Liqueurs, in the Bottles in which the same may have been imported, not to be drunk or consumed upon the Premises; and any Licensed Dealer taking out such additional Licence may send out or deliver any such Spirits without the Certificate required by Law in such Cases, if the Quantity does not exceed One Gallon at a Time, and such Spirits are not sent to the Stock of any Dealer or Retailer: Provided always, that nothing herein contained shall extend to repeal, alter, or affect Section One hundred and sixty-nine of the Act of the last Session of Parliament, Chapter One hundred and fourteen: Provided further, that, notwithstanding any Provision herein-after contained, all Penalties to be incurred or recoverable under this Section, or in relation thereto, may be sued for by any Superintendent or Inspector of Police, upon Information and Summons before the Police Court or Justice having Jurisdiction in the Place where the Offence is committed, but the Appropriation of the Penalty shall be the same as is herein-after specified.

Licences may be granted for the Sale of Table Beer by Retail not to be drunk on the Premises, without Persons being rated, or producing Certificate.

3. It shall be lawful for any Person to take out a Licence for the Sale in any House or Shop of Table Beer, at a Price not exceeding the Rate of One Penny Halfpenny the Quart, and not to be drunk or consumed on the Premises where sold; and it shall not be necessary to the obtaining of such Licence that the said House or Shop shall be rated to the Relief of the Poor to any Amount, or that the Person applying for such Licence shall produce any Certificate, or enter into any Bond required by any Act relating to the Sale of Beer by Retail.

Provisions of former Acts to apply to this Act.

4. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the said Duties by this Act granted respectively, so far

far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Duties by this Act granted respectively.

Expiration of Licences granted under this Act to Hawkers, Pedlars, &c.

**5.** All Licences to Hawkers, Pedlars, and Petty Chapmen under this Act, where the same shall be respectively granted for any Period exceeding Six Months, shall continue in force until and upon the Thirty-first Day of *July* next following the Date thereof, and no longer; and where they shall be granted for any Period not exceeding Six Months they shall continue in force until and upon the Thirty-first Day of *January* or the Thirty-first Day of *July*, as the Case may be, next following the Date thereof, and no longer.

A Licence may be granted to a Hawker on a Certificate of a Justice or an Officer of Police.

**6.** Any Licence to a Hawker, Pedlar, and Petty Chapman under this Act may be granted by any authorized Officer of Inland Revenue upon the Person applying for it producing either such Certificate as is now by Law required before receiving a Hawker's Licence, or a Certificate under the Hand of a Justice of the Peace for the County or Place, or any Superintendent or Inspector of Police of or for the District in which the Officer shall reside, that the Applicant for such Licence under this Act is a proper Person to be so licensed.

Not to affect the Licences to Hawkers &c. trading otherwise than as hereinmentioned, nor the Provisions of the Act in force.

**7.** Provided always, That nothing herein contained shall in any way affect the Licences by Law required to be taken out by Hawkers, Pedlars, and Petty Chapmen travelling or trading in any other Manner than as in the Schedule to this Act is mentioned, or the Duties thereon, nor, save as herein is expressly enacted, any of the Powers, Provisions, Clauses, Regulations, Directions, Fines, Forfeitures, Pains, and Penalties contained in any Act of Parliament in force relating to Hawkers, Pedlars, and Petty Chapmen, or to Stamp Duties.

Licensed Hawkers, &c. may carry and sell Tea and Coffee under an Excise Licence.

**8.** And whereas Persons licensed under the Laws of Excise to sell Tea and Coffee are restricted in the Sale thereof to Premises of which Entry is required to be made with the Officers of Excise; and it is expedient to allow such licensed Persons who shall also be duly licensed under the Acts in force relating to Hawkers, Pedlars, and Petty Chapmen in *Great Britain* to carry and expose for Sale and sell Tea or Coffee in the Course of their Trading as such Licensed Hawkers,

Hawkers, Pedlars, and Petty Chapmen: Be it enacted, That no Person who shall be duly licensed under the Laws of Excise to sell Tea or Coffee, and also duly licensed as a Hawker, Pedlar, and Petty Chapman, shall be subject to any Penalty or Forfeiture for selling Tea or Coffee elsewhere than on such entered Premises as aforesaid, by reason or on account of his selling Tea or Coffee in the regular Course of his Trading as such Hawker, Pedlar, or Petty Chapman, duly licensed as aforesaid, anything in any Act relating to the Excise to the contrary notwithstanding.

**Persons seeking Orders for Goods at other Men's Houses to be deemed Hawkers.**

9. Persons going from Town to Town or to other Men's Houses carrying to sell or exposing to Sale any Goods, Wares, or Merchandise, or carrying and exposing Samples or Patterns of any Goods, Wares, or Merchandise to be afterwards delivered, shall be deemed to be and shall be trading Persons within the Meaning of this Act, and of the Acts now in force relating to Hawkers, Pedlars, and Petty Chapmen, and shall be subject and liable to all the Duties, Provisions, Regulations, Pains, and Penalties in and by the said Acts imposed or contained, as if the same were herein repeated and re-enacted with reference to the Persons and Matters and Things aforesaid: Provided that nothing herein contained shall extend to subject Commercial Travellers or other Persons to the Duties and Provisions of the said Acts by reason merely of their selling or seeking Orders for Goods, Wares, or Merchandise to or from Persons who are Dealers therein, and who buy to sell again, nor to Persons licensed by the Excise to deal in Spirits, Wine, or Beer, or to the Agents of such last-mentioned Persons, nor to Persons who are the real Workers or Makers of any Goods or Wares, or the Servants of such Persons seeking Orders for any of such Goods or Wares.

**Who shall be deemed House Agents, and required to be licensed as such.**

10. Every Person who, as an Agent for any other Person, shall, for or in expectation of Fee, Gain, or Reward of any Kind, advertise for Sale or for Letting any furnished House or Part of any furnished House, or who shall by any Public Notice or Advertisement, or by any Inscription in or upon any House, Shop, or Place used or occupied by him, or by any other Ways or Means, hold himself out to the Public as an Agent for selling or letting furnished Houses, and who shall let or sell, or agree to let or sell, or make or offer or receive any Proposal, or in any way negotiate for the selling or letting of any furnished House or Part of any furnished House, shall be deemed to be a Person using and exercising the Business, Occupation, and Calling of a House Agent within the Meaning of this Act and the Schedule (B.) hereto, and shall be licensed accordingly: Provided that no Person shall be deemed to be such House Agent by reason of his letting, or agreeing or offering to let, or in any way negotiating

negotiating for the letting, of any House not exceeding the annual Rent or Value of Twenty-five Pounds: Provided also, that any Story or Flat rated and let as a separate Tenement shall be considered to be a House for the Purposes of this Enactment.

**11.** The Commissioners of Inland Revenue, and any Person authorized by them, shall, after the Fifth Day of *July* One thousand eight hundred and sixty-one, grant Licence to any Person who shall apply for the same to use and exercise the Business, Occupation, and Calling of a House Agent, which Licence shall also authorize the Person to whom it is granted to use and exercise the Calling or Occupation of an Appraiser; and any such Licence issued between the Fifth Day of *July* and the Fifth Day of *August* in any Year shall be dated on the Sixth Day of *July*, and any such Licence issued at any other Time shall bear the Date of the Day on which the same shall be issued, and every such Licence shall continue in force from the Day of the Date thereof until and upon the Fifth Day of *July* then next following and no longer.

**By whom Licences to House Agents shall be granted, and the Date and Continuance thereof.**

**12.** Every Person who shall use or exercise the Business, Occupation, or Calling of a House Agent, without having a Licence in force under this Act so to do, shall forfeit the Sum of Twenty Pounds.

**Penalty on House Agents acting without a Licence.**

**13.** Provided always, That this Act shall not extend to require any Agent employed in the Management of Landed Estates, or any Attorney, Solicitor, Proctor, Writer to the Signet, Agent or Procurator admitted in any Court of Law, or any Conveyancer, who shall as such have taken out his annual Certificate, or any Auctioneer or Appraiser, having in force a Licence as such, to take out a Licence under this Act as a House Agent.

**Exceptions.**

**14.** The Stamp Duty on a Lease or Tack of a furnished Dwelling House for a Term or Period of Time less than a Year, or on an Agreement, or a Minute or Memorandum of an Agreement, containing the Terms and Conditions on which any such House is let, held, or occupied for any such Term or Period of Time, whatever may be the Amount of Rent reserved or made payable, and any Counterpart or Duplicate thereof, may be denoted by an adhesive Stamp affixed thereto, to be provided by the Commissioners of Inland Revenue for that Purpose; and where any such adhesive Stamp shall be used, every Party to the Instrument who shall sign the same shall also at the Time of signing it write upon or across the Stamp his Name, and there shall, before or at the Time of so signing the Instrument by the Party who shall first sign the same, be written upon the Stamp the Date of the Instrument, so that the Stamp may be

**The Stamp on the Lease of a furnished House may be adhesive; the same to be cancelled.**

be appropriated to the Instrument and effectually cancelled and rendered incapable of being used for any other Instrument, and in default thereof the Stamp shall be of no avail, and Proof of the said Writing upon or across the Stamp as aforesaid shall be a necessary Part of the Evidence of the signing or making of the Instrument in any Case where such Instrument is not stamped with an impressed Stamp: Provided always, that where the Persons who as Parties shall sign any such Instrument shall exceed Two, it shall be sufficient if One Person only on each Part shall write his Name on the Stamp.

**Penalty for signing any such Agreement not stamped.**

**15.** If any Lease or Tack, or Agreement, Minute or Memorandum of Agreement, herein-before described, or any Duplicate or Counterpart thereof, shall not be written on Paper or Parchment duly stamped for the same, and shall not at the Time of signing the same as aforesaid have affixed thereto the proper adhesive Stamp, or such Stamp, if affixed, shall not be cancelled in manner herein-before mentioned, every Person who shall sign the said Instrument, if there shall be no Stamp thereon or affixed thereto, and every Person who shall make default in signing his Name across the adhesive Stamp, if one shall be affixed thereto, and also, in either of the Cases aforesaid, the Agent or Person who shall prepare or be employed in preparing such Instrument, shall forfeit Five Pounds, which shall be in addition to any Penalty by Law payable on stamping the same: Provided always, that nothing herein contained shall be construed to render any Person liable to any Penalty for or on account of any Letters or Correspondence by Post containing the Terms or Conditions offered or accepted for the taking or letting of any furnished House.

SCHE-

# SCHEDULES.

## SCHEDULE (A.)

Containing the Duties of Excise granted by this Act.

Retail Licence to Dealers in Spirits.

| | £ | s. | d. |
|---|---|---|---|
| For and upon every additional Excise Licence to be taken out by any licensed Dealer in Spirits in Great Britain to authorize and empower him to sell by Retail Foreign or British Spirits in any Quantity not less than One reputed Quart Bottle, or as to Foreign Liqueurs in the Bottles in which the same may have been imported, and not to be drunk or consumed on the Premises, the Sum of - - | 3 | 3 | 0 |

Licence to sell Table Beer.

| | | | |
|---|---|---|---|
| For and upon every Excise Licence to be taken out by any Person for the Sale in any House or Shop of Table Beer at a Price not exceeding the Rate of One Penny Halfpenny the Quart, and not to be drunk or consumed on the Premises where sold - - - - - - - | 0 | 5 | 0 |

## SCHEDULE (B.)

Containing the Stamp Duties imposed by this Act.

| | | | |
|---|---|---|---|
| Bill of Exchange (Foreign) for the Payment of Money exceeding 500*l.* drawn out of the United Kingdom, and payable or endorsed or negotiated within the United Kingdom. | | | |
| For every 100*l.* and Part of 100*l.* of the Money thereby made payable - - - - - | 0 | 1 | 0 |
| Lease or Tack of any furnished Dwelling House for any Term or Period of Time less than a Year, or any Agreement, Minute or Memorandum of Agreement, containing the Term and Conditions on which any such House is let, occupied, or held for any such Term or Period of Time, where the Rent for such Term or Period of Time shall exceed 25*l.* - | 0 | 2 | 6 |

And

| | £ | s. | d. |
|---|---|---|---|
| And where the same, together with any Schedule, Receipt, or other Matter put or endorsed thereon or annexed thereto, shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words therein contained over and above the first 1,080 Words, the further progressive Duty of - - - - - - | 0 | 2 | 6 |
| And for any Duplicate or Counterpart thereof - - | The same Duty or Duties. | | |
| LICENCE to be taken out by any Hawker, Pedlar, or Petty Chapman in Great Britain who shall travel and trade on Foot, without any Horse or other Beast bearing or drawing Burden, and who shall carry his Goods, Wares, or Merchandise to and sell or expose for Sale the same at other Men's Houses only, and not in or at any House, Shop, Room, Booth, Stall, or other Place whatever belonging to or hired or occupied or used by him for selling or exposing the same for Sale in any Town to which he may travel. | | | |
| Where such Licence shall be granted for any Period not exceeding Six Months - - - - - - | 1 | 0 | 0 |
| And where the same shall be granted for any Period exceeding Six Months and not exceeding a Year - | 2 | 0 | 0 |
| LICENCE to be taken out by any such trading Person in Great Britain who shall travel with One Beast of Burden only, that is to say, an Ass or a Mule, or a Horse not exceeding in Height Thirteen Hands, of Four Inches to each Hand, | | | |
| Where such Licence shall be granted for any Period not exceeding Six Months - - - - | 2 | 0 | 0 |
| And where the same shall be granted for any Period exceeding Six Months and not exceeding a Year - | 4 | 0 | 0 |
| The several Stamp Duties herein-before contained in this Schedule to be in lieu of the Stamp Duties now payable upon the like Matters under any other Act now in force. | | | |
| LICENCE to be taken out yearly after the Fifth Day of July One thousand eight hundred and sixty-one, by every Person who shall use or exercise the Business, Occupation, or Calling of a House Agent - - - - | 2 | 0 | 0 |

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. XXII.

## An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Town and Parish of *Burford* in the County of *Oxford*. [28th *June* 1861.]

WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and sixty, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for certain Charities in the Town and Parish of *Burford* in the County of *Oxford*, and such Scheme is set out in the Appendix to their said Report: And whereas it is expedient that the said Scheme, as the same is set out in the Schedule to this Act, should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8th Report, dated 26th February 1861.

1. The said Scheme shall be confirmed and take effect.

Scheme in Schedule confirmed.

# SCHEDULE.

## SCHEME.

For the Application and Management of the several Charities in the Town and Parish of Burford in the County of Oxford, herein-after mentioned or referred to, namely:—POOLE'S ESTATE; the School, including Wisdom's, Symon's, Reynold's, Rolfe's, Richard Hunt's, and William Hunt's gifts:—THE TRADESMAN'S FUND, including all sorts of money, and Cleaveley's, Hopton's, Lenthall's, Hayter's, and Harris' Gifts:—THE FIFTEENTHS ESTATE, or John Hill's Gift:—THE GREAT ALMSHOUSE and WISDOM'S ALMSHOUSE:—THE CHURCH ESTATE, including More's, Rolfe's, and Hunt's gifts:—And the several other Charities heretofore vested in or under the management of the Feoffees or Trustees of the Burford Charities, or the Corporation of the Borough of Burford respectively.

1. The existing Corporation of the alderman, steward, bailiffs, and burgesses of the Borough of Burford is hereby dissolved, and all lands, hereditaments, and other real estate and property whatsoever, heretofore vested in or held by, the said Corporation, or by the Trustees or Feoffees of the above-mentioned Charities, or any of them, in trust for the purposes thereof respectively, shall from and after the establishment of this Scheme be vested in and held by the Official Trustee of Charity Lands and his successors, in trust for the "Burford Charity Trustees," herein-after mentioned, and to the intent that the same may be managed and administered by the said last-mentioned Trustees in conformity with the provisions of this Scheme: Provided nevertheless, that all subsisting legal debts and liabilities of the said Corporation shall be in the first instance paid or provided for by the said Trustees out of the income of the estates heretofore held in trust for or for the use of the said Corporation.

2. All sums in the public stocks or funds belonging to or held by any person or persons in trust for the said Charities, or any of them, or for the said Corporation, shall be forthwith transferred into the name of the Official Trustees of Charitable Funds, in trust for the said Charities respectively.

3. The said Charities, and the estates and property thereof, shall from and after the establishment of this Scheme be under the management of one body of Trustees, to be called "The Burford Charity Trustees," who shall consist of the vicar for the time being of the parish of Burford (who shall be an ex-officio Trustee), and eleven non-official Trustees, to be appointed as herein-after mentioned. The non-official Trustees shall respectively be fit and competent persons, resident in the parish of Burford, if such can be found; but residents in any of the adjoining parishes shall be eligible for appointment, upon any default of a sufficient number of duly qualified persons residing in the said parish.

4. The first non-official Trustees shall be appointed by the Board of Charity Commissioners for England and Wales within three calendar months after the establishment

establishment of this Scheme. The office of any non-official Trustee shall be vacated by his resignation, bankruptcy, or insolvency, or by his ceasing to be such resident as aforesaid, or omitting to attend a meeting of the Trustees for two consecutive years; and as soon as conveniently may be after the occurrence of any such vacancy, or after the death of any non-official Trustee, the remaining Trustees of the said Charities shall, with the sanction of the said Board, appoint some fit and proper person, resident within the limits aforesaid, to fill the vacancy to be so occasioned, so as to keep up the full number of eleven non-official Trustees.

5. The Trustees, with the approval of the said Board, shall forthwith establish suitable regulations for the conduct of their proceedings, and the business connected with the administration of the said Charities, and may from time to time, with the like approval, vary such regulations or any of them.

6. The Trustees shall apply the net annual income of the Charity known as "The Fifteenths Estate" to the purposes of the national or parochial school in the parish of Burford.

7. The almshouse known as "Wisdom's Almshouse" shall be abolished; and the Trustees shall, with the sanction of the said Board, sell or otherwise dispose of the building and premises thereunto belonging, and apply the income to be derived from the proceeds of such sale or disposition to the purposes of "The Great Almshouse" in Burford, which shall be placed under suitable regulations, to be established by the Trustees, with the approval of the said Board.

8. The Trustees shall apply the net annual income of "The School Estate" and "The Tradesmen's Fund" respectively, and so much of the net annual income of "Poole's Estate" as has been heretofore applicable for the benefit or purposes of the Corporation of the borough of Burford, to the purposes of the Burford free school, as re-established and regulated in accordance with the provisions of this scheme.

9. The said school so to be re-established shall be for the instruction and benefit of the sons of the inhabitants of the town of Burford and its neighbourhood; and the Trustees, with the sanction of the said Board, shall forthwith make and establish proper regulations prescribing the nature of the instruction to be given at the said school, and dividing the same into separate departments, and providing for the appointment and removal of the scholars, masters, and teachers respectively, and fixing the amounts of the stipends of the masters and teachers, and of the capitation fees (if any) to be paid by the scholars, and generally for the constitution, government, and conduct of the said school, and the masters and scholars thereof; and the Trustees, with the like sanction and approval, may from time to time vary or modify such rules and regulations, or any of them.

10. The several other above-mentioned Charities, for the administration of which no special provision has been heretofore made, shall be managed and administered by the said "Burford Charity Trustees," in conformity with their respective trusts, according to suitable regulations to be established by the said Trustees, with the approval of the said Board.

11. If

11. If any doubt or question shall arise amongst the Trustees or any of them as to the proper construction or application of any of the provisions of this Scheme, or the management of the Charities, application may be made by the Trustees to the Charity Commissioners for England and Wales, for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the Trustees; and any provision in this Scheme which may require to be explained or more closely adapted to the circumstances for the time being of the Charities, may be explained and adapted accordingly, by an order of the Board of Charity Commissioners for England and Wales, to be made upon the application of the Governors to the said Board; and any provision in this Scheme which shall be found inconvenient or objectionable may be modified accordingly by an order of the said Board; provided that no alteration shall be made by any such order involving a deviation from the main objects and principles of this Scheme.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

## SCHEDULE.

SCHEME for the Application and Management of the herein-after mentioned CHARITIES in he Borough of READING:—As to A'LARDER'S ALMSHOUSES and BERNARD HARRISON'S ALMSHOUSES, and the several subsidiary foundations and endowments heretofore created or appropriated for the maintenance or benefit of the same almshouses respectively, or the inmates thereof:—And also as to the several Charities of ROBERT BOYER, JOHN BALLE, RICHARD IRONSIDE, AUGUSTINE KNAPP, JOHN NOYSE, DR. SWADDON, RICHARD TURNOR, RODOLPH WARCUPP, THOMAS LANE, JOSEPH CARTER, PETER WYBOE, WILLIAM THORNE, MARY WORSLEY, EDWARD KEMYS, EDWARD HAMBLIN, WILLIAM BRACKSTONE, JOHN EYRE, WILLIAM JOANES, THOMAS DEANE, JAMES POCOCK, WILLIAM IREMONGER, and MARY LOVE.

Consolidated General Almshouse Charities.

1. The Trustees of the General Municipal Charities of the borough of Reading for the time being shall be the Trustees of the several last-mentioned Charities, which shall be called "The Consolidated General Almshouse Charities of Reading."

2. The several sums of stock belonging to or held in trust for the said Charities respectively shall be forthwith transferred into the name of the Official Trustees of Charitable Funds, by whom the same shall be placed to the account of the General Almshouse Charities of the Borough of Reading, and the yearly dividends to arise from the said stock, after the receipt thereof by the said Official Trustees, and the income of the other property belonging to the said Charities, shall be paid to and received by the Trustees of the same Charities, and shall be carried by them into one fund, out of which the said Trustees, after providing for the payment of repairs, insurance, salaries, and other necessary outgoings and expenses of management, shall from time to time cause the vault of Mary Love, in the church of Saint Lawrence, to be kept in proper repair, and shall pay to each of the present inmates of A'Larder's and Harrison's Almshouses respectively, so long as they shall respectively retain their appointments, a weekly stipend of 7*s.*, and a gift of 2*l.* annually at Christmas.

3. The surplus annual income of the said Charities which shall remain after providing for the payments and expenses aforesaid shall be accumulated by the said Trustees for the formation of a building fund, and shall for that purpose be invested by them from time to time in the purchase of 3*l* per cent. consolidated annuities, or of any other stock in which trust funds may be legally invested, in the names of some four of the said Trustees.

4. Until new almshouses shall be constructed, as herein-after mentioned, the Trustees shall be at liberty to abstain from filling up the vacancies to be occasioned by death or otherwise amongst the inmates of the aforesaid present almshouses

houses respectively, and to carry the proportions of the income so becoming unappropriated to the building fund, and the Trustees shall also have power from time to time to remove the inmates of one of the said almshouses to fill up the vacancies in the other.

5. Subject to the duty of providing suitable accommodation for the present almspeople, the Trustees, with the consent of the Charity Commissioners, shall be at liberty to sell the said almshouses or either of them, and the produce of any such sale shall be carried to the building fund aforesaid.

6. When the building fund shall amount to a sufficient sum, the Trustees shall, with the consent of the Charity Commissioners, erect, upon a convenient site to be purchased or acquired by the said Trustees in or near the borough of Reading, new almshouses for the accommodation of as many poor people as to them may seem expedient, not exceeding the number of 24 in the first instance, and upon the completion of such new almshouses the then surviving or continuing inmates of the present almshouses (if any) shall be transferred thereto.

7. The inmates of the almshouses shall in future be selected and appointed from time to time by the Trustees thereof, at proper meetings of their body, from poor persons of good character who shall have resided within the borough of Reading at least three consecutive years next before their election, and during that time shall not have been in the receipt of parish relief, with preference for those persons who have been reduced by misfortune from better circumstances, and who may be incapacitated from work or labour by age, illness, or infirmity. The inmates shall, so far as conveniently may be, be men and women in equal numbers, but the Trustees shall be at liberty, under special circumstances, to vary those proportions.

8. Every almsperson shall be removable by the Trustees for any reasonable cause, and may also be suspended by the Trustees from the receipt of any emolument or benefit under the Charities during such time as the Trustees shall think fit or expedient.

9. Every almsperson to be hereafter appointed shall be paid out of the income of the Consolidated Charities, so far as the same shall be sufficient for the purpose, a weekly stipend of 7*s.*, and also a donation of 2*l.* at Christmas.

10. The Trustees, with the consent of the Charity Commissioners, shall have power from time to time to vary the number of the almspeople and the weekly stipends and other gifts or benefits to be paid or given to them respectively out of the income of the Charities, and to make regulations for the better government of the almshouses and inmates generally, which regulations shall be binding on all the inmates and other persons concerned.

11. Notwithstanding the provisions herein-before contained, the Trustees shall be at liberty to continue to any deserving poor persons who shall not have been in the receipt of parochial relief during the then next preceding period of one year any periodical payment or gift heretofore made to them out of the income of any of the Charities hereby consolidated.

12. The Trustees, instead of pulling down or selling the existing buildings known as "Harrison's Almshouses," shall be at liberty, with the sanction of the

Charity

Charity Commissioners, to repair and retain the same for permanent occupation as part of the almshouses contemplated by this scheme.

As to KENDRICK'S ALMSHOUSES, SIR THOMAS VACHELL'S ALMSHOUSES, and HALL'S ALMSHOUSES, and the several subsidiary foundations and endowments heretofore created or appropriated for the maintenance or benefit of the same almshouses respectively or the respective inmates thereof, and also as to RICHARD JOHNSON'S CHARITY.

Consolidated Church Almshouse Charities.

13. The Trustees of the Municipal Church Charities of the said borough of Reading for the time being shall be the Trustees of the said several last-mentioned Charities, which shall be called "The Consolidated Church Almshouse Charities of Reading."

14. The said Trustees shall cause the sum of 20*l.* consolidated 3*l.* per cent. bank annuities to be transferred into the names of the Official Trustees of Charitable Funds, out of the funds of the said last-mentioned Charities, for the purpose herein-after mentioned, and the remaining stocks of all denominations belonging to the same several Charities shall be transferred into the names of the said Official Trustees, by whom the same shall be placed to the account of "The Church Almshouse Charities of Reading," and the yearly dividends and income to arise from such last-mentioned stocks, and from the other property belonging to the said Charities, shall be paid to and received by the said Trustees of the said Charities, and shall be carried into one fund, out of which the Trustees, after providing for the payment of repairs, insurance, salaries, and other necessary outgoings and expenses of management, shall pay to the present respective inmates of the said almshouses known respectively as Kendrick's, Vachell's, and Hall's Almshouses, so long as they shall respectively retain their appointments, such weekly stipends and allowances as the amount of such dividends and income will from time to time permit, and the Trustees shall consider fit and expedient.

15. Any surplus annual income of the said Charities which shall remain after providing for the payments aforesaid shall be accumulated for the formation of a building fund, and shall for that purpose be invested from time to time in the purchase of 3*l.* per cent. consolidated bank annuities, or in any other stocks in which trust funds may be legally invested, in the names of some four of the said Trustees.

16. When the building fund shall amount to a sufficient sum, the said Trustees shall be at liberty, with the consent of the Charity Commissioners, to purchase or acquire a site in or near the borough of Reading for the erection of new almshouses, and, with the like consent, to erect thereon such suitable almshouses for the accommodation of so many poor people, not exceeding 12 in the first instance, as to them may seem expedient, and upon the completion of such new almshouses the then surviving or continuing inmates of the present almshouses (if any) shall be transferred thereto.

17. The inmates of the almshouses shall in future be selected and appointed from time to time by the Trustees thereof, at proper meetings of their body, from poor persons of good character, being members of the Church of England, who

who shall have resided in the borough of Reading at least three consecutive years next before their election, and during that time shall not have been in the receipt of parish relief, with preference for those persons who have been reduced by misfortune from better circumstances, and who may be incapacitated from work or labour by age, illness, or infirmity. The inmates shall, so far as conveniently may be, be men and women in equal numbers, but the Trustees shall be at liberty, under special circumstances, to vary those proportions.

18. The provisions of the 4th, 5th, 8th, 9th, 10th, and 11th clauses of this scheme relating to the Consolidated General Almshouse Charities shall be applicable to the Consolidated Church Almshouse Charities, as if the same provisions were here repeated.

As to the several Charities known respectively as THOMAS LYDELL'S CHARITY, EDWARD SIMEON'S BREAD GIFT, SIR JOHN SIMEON'S BREAD GIFT, and SIR THOMAS WHITE'S CHARITY FOR LOANS.

19. The said Trustees of the Municipal Church Charities of the Borough of Reading for the time being shall be the Trustees of the several last-mentioned Charities, which shall be called "The Consolidated Municipal Educational Charities of the Borough of Reading." Consolidated Municipal Educational Charities.

20. The said Trustees shall cause the sum of 33*l.* 6*s.* 8*d.* consols to be transferred into the name of the Official Trustees of Charitable Funds, out of the funds of the said last-mentioned Charities, for the purpose herein-after mentioned. The remaining stocks of all denominations belonging to the same Charities shall be transferred into the name of the said Official Trustees, to an account to be called "The Account of the Reading Consolidated Municipal Educational Fund," and all monies now belonging to or which may hereafter be received by the said Trustees in respect of Sir Thomas White's Charity, whether as accruing income or in respect of the repayment of loans or otherwise, shall be invested by them from time to time in the purchase of 3*l.* per cent. consolidated bank annuities, in the name of the said Official Trustees, to be carried to the same account.

21. The yearly dividends and income to arise from all such stocks, and from the other property belonging to the said last-mentioned Charities, shall be paid to and received by the Trustees of the same Charities, and shall be carried by them into one fund, which (after the payment thereout of repairs, insurance, salaries, keeping in proper repair the vault of Sir John Simeon in the church of Saint Giles, and other necessary outgoings and expenses of management,) shall be divided by the said Trustees annually into three equal parts; and one of such third parts shall be applied by the said Trustees, at their discretion, for or towards the support or benefit of the National Schools, now or hereafter to be established in connexion with the three parish churches in Reading, and with the other churches or chapels in Reading in communion with the Church of England, regard being had in the apportionment and distribution thereof to the number of children for the time being attending each of the said schools; and the remaining two third parts shall be applied by the said Trustees in equal shares for or towards the support or benefit of the two schools in Reading known respectively as the Green Girls School and the Blue Coat School; pro-

 vided

vided nevertheless, that the Trustees, with the consent of the Charity Commissioners, may from time to time vary the proportions in which the said two third parts shall be divided between the said two last-mentioned schools, and that the payment to be so made towards the support of the aforesaid Green Girls School shall not confer upon the said Trustees any right of interfering in the government or management of the same school.

As to the several Charities known respectively as JOHN BLAGRAVE'S CHARITY; WILLIAM BOUDRY'S and JOHN RICHARD'S CHARITY; and MARTIN ANNESLEY'S CHARITY.

Consolidated Charities for Female Servants.

22. The said Trustees of the Municipal Church Charities of the borough of Reading for the time being shall be the Trustees of the said several last-mentioned Charities, which shall be called "The Consolidated Charities for Female Servants at Reading."

23. The said Trustees shall cause the sum of 27*l.* 16*s.* 3*l.* per cent. consolidated annuities to be transferred out of the funds of the said last-mentioned Charities into the name of the Official Trustees of Charitable Funds, for the purposes herein-after mentioned. The remaining stock of all denominations belonging to the same Charities shall be transferred into the name of the said Official Trustees of Charitable Funds, and shall be placed by them to an account to be called "The Account of the Consolidated Charities for Female Servants at Reading," and the yearly dividends and income to arise from such stock and the other property belonging to the said Charities shall be paid to and received by the Trustees of the said Charities, and shall be carried by them into one fund which, after the payment of insurance, repairs, salaries, and other necessary outgoings and expenses of management, shall be distributed by the said Trustees annually at Easter in gifts of not less than 10*l.* nor more than 20*l.* each to meritorious female servants, being members of the Church of England, who shall have served for a period of not less than five consecutive years in one continued service with some respectable householder within some one of the three parishes of Reading, and shall produce certificates of good character and conduct, to the satisfaction of the Trustees. Any surplus income of the said Charities which shall not be required for distribution in manner aforesaid in any one year may be carried over by the Trustees to the next year's account; but in case it shall be found difficult or expedient to expend the whole of the income of the said Charities for the time being in such distribution, the Trustees may, with the sanction of the said Board, apply the surplus income thereof in any other manner for the benefit of poor deserving women, being members of the Church of England residing in the said borough of Reading.

*Consolidated Gifts to Parish Officers of Saint Lawrence.*

24. The said several sums of 20*l.*, 33*l.* 6*s* 8*d.*, and 27*l.* 16*s.* consolidated bank annuities, making together 81*l.* 2*s.* 8*d.* consols, to be transferred as aforesaid into the name of the Official Trustees of Charitable Funds, shall be placed by the said Official Trustees to an account to be called "The Account of the Consolidated Gifts to the Parish Officers of St. Lawrence in Reading," and the dividends shall be paid or remitted by the said Official Trustees to the vicar for

for the time being of the said last-mentioned parish, who shall pay thereout annually—

| | s. | d. |
|---|---|---|
| To the clerk of the same parish, if there be one - - | 4 | 4 |
| To the bell-ringer - - - - | 3 | 4 |
| To the sexton - - - - - | 1 | 0 |
| To the churchwardens for the repairs of the parish church - | 10 | 0 |

and shall retain the residue of the same dividends for his own use.

*As to Elizabeth Deane's Charity.*

25. The sum of 156*l.* 17*s.* 5*d.* reduced 3*l.* per cent. annuities, forming the endowment of this Charity, shall be transferred to the Official Trustees of Charitable Funds, who shall pay or remit the dividends thereof from time to time to the chaplain for the time being of the county gaol at Reading, to be by him applied, at his discretion, for the benefit of poor prisoners on their discharge from such gaol.

*As to Richard Aldworth's Charity.*

26. The annual expenditure out of the income of this Charity in providing clothing and bread for distribution amongst 20 poor aged persons shall henceforth be discontinued, and the proportion of the annual income of the Charity heretofore applicable to the purposes of such expenditure shall be applied to the educational objects of the same foundation.

*As to the whole of the Charities comprised in this Scheme.*

27. The Trustees of the said several Charities respectively, with the consent of the Charity Commissioners for England and Wales, shall have power from time to time to make regulations for the conduct and government, for the better management and application of the same Charities respectively and the recipients thereof.

28. If any doubt or question shall arise as to the proper construction or application of any of the provisions of this schem or the management of the Charities, application may be made by the Trustees to the Charity Commissioners for England and Wales for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the Trustees; and any provision in this scheme which may require explanation or modification may be explained or modified accordingly, by an order either of the Court of Chancery or of the Board of Charity Commissioners for England and Wales, to be made upon the application of the Trustees to the said Court or Board; provided that no alteration shall be made by any such order involving a deviation from the main objects and principles of this scheme.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ

***

## SCHEDULE

SCHEME for the Regulation and Management of the Hospital of LADY KATHERINE LEVESON at Temple Balsall in the county of Warwick.

1. The full number of almswomen to be appointed to the hospital shall in future be 35.

2. The almswomen shall be appointed from time to time by the Governors at some meeting of their body, and shall respectively be poor women of good character, either widows or unmarried, and not less than 60 years of age at the time of appointment, with a preference for those persons, having the qualifications aforesaid, who shall have been reduced from better circumstances by accident or misfortune; provided nevertheless, that poor women, who are disabled by illness or infirmity from maintaining themselves, shall be eligible for appointment under the age of 60 years, if otherwise duly qualified as aforesaid.

3. Twenty of the almswomen shall always be taken from residents in the hamlet of Balsall, qualified as aforesaid, if such can be found; and the remainder of the almswomen (including any deficiency in the aforesaid number of 20) may be taken from persons, qualified as aforesaid, who shall be resident either in the said hamlet or in the adjoining parishes of Barston and Hampton-in-Arden respectively, including the hamlets within the said parish of Hampton-in-Arden.

4. Each almswoman shall receive in future, out of the income of the Charity, the sum of 6*s*. per week, in lieu of the present weekly and other pecuniary allowances and payments, and shall also be provided with such reasonable quantities of bread, milk, and coal or other fuel, at the cost of the Charity, as the Governors shall from time to time direct. Each almswoman shall also be provided yearly, at the cost of the Charity, with a grey cloth gown, marked as required by the will of Lady Katherine Leveson, and a suitable bonnet and shawl.

5. The Governors shall have power to remove or expel, or to suspend temporarily from all emoluments under the Charity any almswoman who shall be guilty of immorality, breach of rules, or other misconduct, or who shall become of unsound mind, or shall cease from any alteration of her circumstances to be a proper object of the Charity.

6. The

6. The Governors shall from time to time appoint and employ a competent medical practitioner to attend the almswomen, and to supply them with medicines and medical appliances in sickness or need, and may pay him a reasonable salary out of the revenues of the Charity in respect of his attendance, and the medicines and other articles supplied by him; and the Governors may also appoint one or more nurse or nurses to attend upon the almswomen, when required, and may provide such nurses with apartments, and pay them suitable wages out of the income of the Charity.

7. In lieu of the contingent benefits given by the founder of the Charity to the poor of the several parishes of Long Itchington in the county of Warwick, Trentham in the county of Stafford, and Lilleshall in the county of Salop, there shall be four pensioners for each of those parishes respectively, who shall be appointed in accordance with the provisions herein-after contained.

8. The pensioners shall respectively be poor women resident in the parish for which they respectively shall be appointed, and having in all other respects, except their place of residence, the same qualifications which are herein-before prescribed for the said almswomen; and such pensioners respectively shall be appointed from time to time by the Governors of the hospital, upon the recommendation of the incumbent or officiating minister and churchwardens of the parish for which the appointment shall be made, or the majority of them; and such incumbent or minister and churchwardens respectively, upon forwarding any such recommendation to the Governors, shall certify to them that the person so recommended is duly qualified for appointment as a pensioner, in accordance with the provisions of this scheme. If the said incumbent or officiating minister and churchwardens shall omit to transmit such recommendation and certificate to the Governors before the expiration of two calendar months next after the time when the deprivation of any pensioner shall have been notified to them by the Governors, as herein-after mentioned, or next after the occurrence of any vacancy amongst the pensioners, otherwise than by deprivation, the Governors may proceed to make the appointment to fill such vacancy without any such recommendation as aforesaid.

9. Each pensioner shall be entitled to an allowance of 8*s.* per week out of the income of the Charity; and the amount of the pensioners allowances shall be paid by the Governors half-yearly in advance to the incumbent or officiating minister and one of the churchwardens of the respective parishes to which such pensioners shall respectively belong, who shall pay and distribute the same weekly amongst the pensioners.

10. The pensioners shall respectively vacate their appointments upon ceasing to reside in the respective parishes for which they shall have been appointed, and they may respectively be deprived or suspended by the Governors for disqualification, improper conduct, or other sufficient cause; but every such deprivation or suspension shall be forthwith notified by the Governors to the incumbent or officiating minister and the churchwardens of the parish for which the pensioner so deprived or suspended shall have been appointed.

11. The Governors, with the approval of the Charity Commissioners for England and Wales, may prescribe from time to time suitable regulations for the

the management and administration of the branch of the Charity relating to the pensioners, subject to the provisions of this scheme, and such regulations shall be binding on the pensioners and all other persons concerned.

12. The boys and girls schools which have been established by the Governors in the hamlet of Balsall shall be maintained and carried on by them out of the funds of the Charity, for the instruction of children residing in the said hamlet or in the manor of Balsall; and the Governors, with the approval of the Board of Charity Commissioners for England and Wales, shall make and establish suitable rules for the conduct and regulation of the said schools, and the masters, teachers, and scholars thereof respectively, and for fixing and determining the number, salaries, and emoluments of the master and teachers, and their respective qualifications and duties; and, with the like approval, may from time to time alter and vary such rules.

13. Subject to a preference which shall always be given to children resident in the hamlet of Balsall for admission to the schools, the Governors may direct that children residing in any of the adjoining or neighbouring parishes or hamlets shall be admissible to the schools or any of them, subject to any suitable conditions or regulations which the Governors may prescribe.

14. The church or chapel of Saint Mary at Balsall shall be maintained in proper repair by the Governors out of the income of the Charity.

15. In case an ecclesiastical district shall be legally assigned to the said church or chapel, the Governors may assign and pay to the person who shall for the time being hold the office of perpetual curate or minister of the said church or chapel, out of the income of the Charity, an annual stipend not exceeding 100*l.* (in addition to the annuity of 50*l.* now payable to the perpetual curate or minister of the said chapel under the will of Lady Ann Holbourne), as a remuneration for his performing such services in the said church or chapel as shall be required by the bishop of the diocese or other competent authority, and for visiting and giving spiritual attendance and ministration to the inhabitants of the said district, and upon condition that he shall keep a curate to assist him in the performance of the above-mentioned duties.

16. The Governors shall pay out of the income of the Charity an annual salary not exceeding 10*l.* to a clerk and sexton to officiate in the said church or chapel, who shall be nominated by the minister or perpetual curate thereof, and shall hold his office during the pleasure of the said minister or perpetual curate, and the Governors shall also pay and defray the reasonable and proper expenses of conducting Divine Service in the said church or chapel.

17. The master of the hospital shall be a clergyman in Holy Orders of the Church of England, and shall be appointed by the Governors at a special meeting to be convened for the purpose.

18. The Governors shall pay to the master out of the income of the Charity an annual salary of 200*l.* by half-yearly payments, and shall allow him to occupy the present master's residence, garden, and the land at present attached thereto, rent free.

19. The

19. The duties of the [illegible]ter shall be to read prayers to the almswomen, as the Governors may direct, to visit and administer spiritual consolation to the almswomen, and, subject [illegible] the authority and directions of the Governors, to exercise a general superintendence and control over the hospital and schools, and their respective establishments.

20. The master, with the permission of the Governors, may hold the office of minister or perpetual curate of the church or chapel at Balsall.

21. The Governors, with the sanction of the Charity Commissioners for England and Wales, shall have power to remove or suspend the master for incapacity, immorality, neglect of duty, permanent illness or infirmity, or other sufficient cause; and within one month after the removal of the master, or of his legally ceasing to hold the office, he shall deliver up to the Governors, or to any person appointed by them, the possession of the dwelling-house, garden, and land, and schoolrooms belonging to the Charity; and in default thereof the Governors shall be at liberty to recover such possession under the powers contained in the 18th section of the Act 4 & 5 Vict. cap. 38.

22. The Governors shall appoint some competent person as Bailiff, who shall act in the supervision of the estates and property of the Charity, and the collection and receipt of the rents and income, and shall perform all such duties connected with the office of bailiff as the Governors shall direct; and the Governors shall pay to the bailiff, out of the income of the Charity, an annual salary not exceeding 100*l.*

23. The surplus income of the Charity, if any, which shall not be required for the purposes aforesaid, shall be applied by the Governors in the first instance in forming a suitable and sufficient reserve fund for extraordinary repairs and other contingencies, and, subject thereto, such surplus income may be applied, with the sanction of the Charity Commissioners for England and Wales, and in such manner as they may authorize or direct, to increasing the number, either of the said almswomen to be taken from the hamlet of Balsall aforesaid, or of the said pensioners respectively, or for the purposes of education in the hamlet of Balsall aforesaid, or in the said parishes of Long Itchington, Trentham, and Lilleshall respectively, or any of them, due regard being had in all cases to the preferential claim of the said hamlet of Balsall to the benefit of the said Charity.

24. Five Governors shall constitute a quorum at any meeting, and the majority of the Governors present at any meeting, of which seven clear days notice shall have been given, shall have full power to bind the whole of the Governors.

25. Subject to the provisions herein contained, the Governors, with the sanction of the Charity Commissioners for England and Wales, may from time to time prescribe such rules for the administration and management of the Charity, and its estate and property, and for the regulation of the proceedings of the Governors and for the government of all members and officers of the Charity; provided that such rules shall not be inconsistent or at variance with the purposes or objects of this Scheme.

*Temple Balsall Hospital.*

26. If any doubt or question shall arise as to be construction or application or effect of any of the provisions herein contained, the Governors shall apply to the Charity Commissioners for England and Wales for their advice and opinion thereon, which, if given, shall be binding on all persons affected thereby.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Bonds may be issued under Hands of Members of Council, countersigned by Secretary or Under Secretary.

**2.** All Bonds issued under the Authority of this Act may be issued under the Hands of Two Members of the Council of *India*, and countersigned by the Secretary of State for *India* or One of his Under Secretaries, or his Assistant Under Secretary, and shall be for such respective Amounts, payable after such Notice, and at such Rate or Rates of Interest as the said Secretary of State in Council may think fit.

Debentures may be issued.

**3.** All Debentures issued under the Authority of this Act may be issued under the Hands of Two Members of the Council, and countersigned as aforesaid, for such respective Amounts, and at such Rate or Rates of Interest, as the Secretary of State in Council may think fit, and shall be issued at or for such Prices and on such Terms as may be determined by the Secretary of State in Council.

As to Payment of Principal and Interest on Debentures.

**4.** All Debentures issued under the Authority of this Act shall be paid off at Par at a Time or Times to be mentioned in such Debentures respectively; and the Interest on all such Debentures shall be paid half-yearly on such Days as shall be mentioned therein; and the Principal Monies and Interest secured by such Debentures shall be payable either at the Treasury of the Secretary of State in Council in *London* or at the Bank of *England*.

Debentures transferable by Delivery or Deed;

Coupons by Delivery.

**5.** All or any Number of the Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal and Interest Monies secured thereby, shall be transferable either by the Delivery of such Debentures respectively, or, at the Discretion of the Secretary of State in Council, by Deed; provided that the Coupons for Interest annexed to any Debenture issued under the Authority of this Act shall pass by Delivery.

Capital Stock and Annuities may be created and issued.

**6.** Any Capital Stock created under the Authority of this Act shall bear such a Rate of Interest, and any Annuities to be created under the Authority of this Act shall be at such Rate *per Centum per Annum*, as the Secretary of State in Council may think fit; and such Capital Stock and such Annuities may be issued on such Terms as may be determined by the Secretary of State in Council; and any such Capital Stock may bear Interest during such Period, and be paid off at Par at such Time, as the Secretary of State in Council may prescribe previously to the Issue of such Capital Stock; and such Annuities may be terminable at such Period as the Secretary of State in Council may prescribe previously to the Issue of such Annuities.

Transfer Books of such Capital

**7.** In case of the Creation and Issue of any such Capital Stock or of any such Annuities, there shall be kept, either at the Office of the

the Secretary of State in Council in *London* or at the Bank of *England*, Books wherein Entries shall be made of the said Capital Stock and Annuities respectively, and wherein all Assignments or Transfers of the same respectively, or any Part thereof respectively, shall be entered and registered, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by his, her, or their Attorney or Attornies thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses; and the Person or Persons to whom such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and no other Mode of assigning or transferring the said Capital Stock or the said Annuities, or any Part thereof respectively, or any Interest therein respectively, shall be good and available in Law, and no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Stock and Annuities to be kept.

8. All Annuities created and issued under the Authority of this Act shall be deemed and taken to be Personal and not Real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, interested therein, or entitled thereto, and not to the Heir-at-Law, nor be liable to any Foreign Attachment by the Custom of *London*, or otherwise.

Annuities Personal Estate.

9. The whole Amount of the Principal Monies to be charged on the Revenues of *India* under this Act shall not exceed Four Millions; and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and sixty-two, or, if Parliament be then sitting, after the End of the then Session of Parliament, save for or upon the Repayment of Principal Monies previously secured under this Act as herein-after provided.

The whole Amount charged on Revenue of India not to exceed Four Millions.

10. Upon or for the Repayment of any Principal Money secured under the Authority of this Act, the Secretary of State in Council may at any Time borrow or raise, by all or any of the Modes aforesaid, all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money under this Act may require to be repaid, but the Amount to be charged upon the Revenues of *India* shall not in any Case exceed the Principal Money required to be repaid.

Power to raise Money for Payment of Principal Money.

11. All Bonds and Debentures to be issued under this Act, and the Principal Monies and Interest thereby secured, and all Capital Stock to be issued under this Act, and the Interest thereon, and all Annuities to be issued under this Act, shall be charged on and payable out

Securities, &c. to be charged on Revenues of India.

out of the Revenues of *India*, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Provisions as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.

**12.** The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the *East India* Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures, to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

Forgery of Debentures to be punishable as Forgery of East India Bonds.

**13.** All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Authority of this Act, as well as to and in respect of any Bond issued under the same Authority.

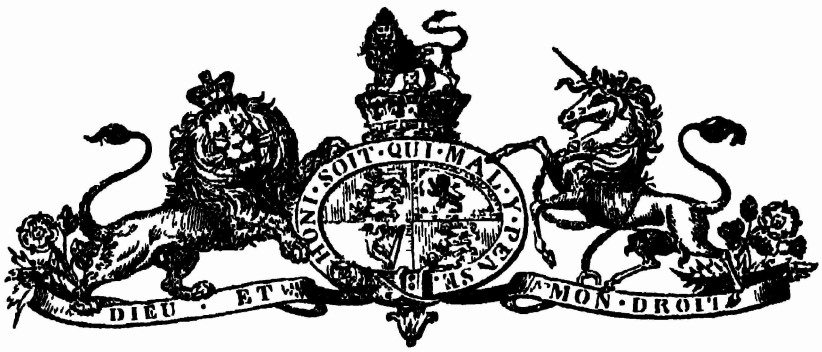
Returns to be annually prepared of Monies raised on Loan, &c., and presented to Parliament.

**14.** Provided always, That on or before the First Day of *February* in each Year the said Secretary of State in Council shall prepare or cause to be prepared a Return of all Monies raised on Loan under the Provisions of this Act; also a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the Revenues of *India*, at home and abroad, up to the latest Period of Time to which such Return can be made out: That all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year.

Saving Powers of the Secretary of State in Council.

**15.** This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Secretary of State in Council at the Time of passing thereof.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

*Borough of Dublin.*

Interpretation of Terms.

3. The several Meanings assigned to certain Words and Expressions in the recited Act and in the Acts incorporated therewith shall extend and apply to the same Words and Expressions when used in this Act, unless there be something in the Subject or Context repugnant to such Construction, and the Word "Corporation" in this Act shall include "Council;" and the Word "Owner" shall mean the Person for the Time being receiving the Rackrent of the House or Building in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person who would so receive the same if the said House or Building were let at a Rackrent.

Limits of Act.

4. The Limits of this Act shall be the Municipal Boundaries of the Borough of *Dublin*.

Council of the Borough to carry Act into execution.

5. The Council of the Borough of *Dublin*, and their Successors in Office, shall and they are hereby authorized and required to carry this Act into execution.

Owners, &c. to remove future Projections on Notice from Corporation.

6. If any Porch, Shed, projecting Window, Step, Cellar Door, or Window, or Steps leading into any Cellar or otherwise, Lamp, Lamp-post, Lamp Iron, Sign, Sign-post, Sign Iron, Showboard, Window Shutter, Wall, Gate, Fence, or Opening, or any other Projection or Obstruction placed or made against or in front of any House or Building after the passing of this Act (save and except such Projections as are authorized by the Rules specified in Section Nine of this Act), shall be an Annoyance to the Public in consequence of the same projecting beyond the Line of Building of any Street, or into or over or being an Encroachment upon, or being made in or endangering or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for the Corporation to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Projection or Obstruction, or to alter the same in such Manner as the Corporation think fit, and such Owner or Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Projection or Obstruction, or alter the same in the Manner directed by the Corporation, and if the Owner or Occupier of any such House or Building neglect or refuse, within Fourteen Days after such Notice, to remove such Projection or Obstruction, or to alter the same in the Manner directed by the Corporation, he shall forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Projection or Obstruction continues after the Expiration of such Fourteen Days from the Time when he may be convicted of any Offence contrary to the Provisions hereof.

7. It

*Borough of Dublin.*

7. It shall be lawful for the Corporation, if any Shed, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, or Showboard which has been placed or made against or in front of any House or Building in any such Street before the passing of this Act shall be an Annoyance as aforesaid, to cause the same to be removed or altered as they think fit: Provided always, that the Corporation shall give Notice in Writing of such intended Removal or Alteration to the Owner or Occupier against or in front of whose House or Building such Shed, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, or Showboard shall be, Thirty Days before such Removal or Alteration shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal, excepting in Cases where the same may now be removable under any Act, in which Case no Compensation shall be made, and the Amount of such Compensation, if any, and the Expense of such Removal or Alteration, shall be paid by the Corporation out of the Improvement Fund of the said Borough.

Corporation may remove existing Projections and make Compensation for same.

8. All Notices to be given by the Corporation for the Removal of Obstructions under the Provisions of this Act shall be given within Two Years from the Completion of the same or from the passing of this Act.

Period within which Notice for Removal of Obstructions to be given.

9. The following Rules shall be observed as to Projections from new Buildings:

Rules as to Projections from new Buildings.

1. Every Coping, Cornice, Facia, Window Dressing, Portico, Balcony, Verandah, Balustrade, and Architectural Projection or Decoration whatsoever, and also the Eaves or Cornices to any overhanging Roof, except the Cornices and Dressings to the Window Fronts of Shops, and except the Eaves and Cornices to detached and semi-detached Dwelling Houses, distant at least Fifteen Feet from any other Building, and from the Ground of any adjoining Owner, shall, unless the Corporation otherwise permit, be of Brick, Tile, Stone, Artificial Stone, Slate, Cement, or other Fire-proof Material:
2. In Streets or Alleys of a less Width than Thirty Feet, any Shop Front may project beyond the external Wall of the Building to which it belongs for Five Inches and no more; and any Cornice of any such Shop Front may project Thirteen Inches and no more; and in any Street or Alley of a Width greater than Thirty Feet any Shop Front may project Ten Inches and no more, and the Cornice may project for Eighteen Inches from the external Wall but no more:
3. No Part of the Woodwork of any Shop Front shall be fixed nearer

nearer than Four and a Half Inches from the Line of Junction of any adjoining Premises unless a Pier or Corbel of Stone, Brick, or other Fire-proof Material Four and a Half Inches wide at the least is built or fixed next to such adjoining Premises as high as such Woodwork is fixed, and projects an Inch at the least in front of the Face thereof:

4. The Roof, Roof Flat, or Gutter of every Building, and every Balcony, Verandah, Shop Front, or other Projection, must be so arranged and constructed and so supplied with Gutters and Pipes as to prevent the Water therefrom from dropping upon or running over any Public Way:

5. Except in so far as is permitted by this Section in the Case of Shop Fronts, and with the Exception of Water Pipes and their Appurtenances, Copings, Cornices, Facias, Window Dressings, and other like Architectural Decorations, no Projection from any Building shall extend beyond the general Line of Fronts in any Street except with the Permission of the Corporation.

Buildings not to be brought beyond Line of Street.

**10.** No Building shall, without the Consent in Writing of the Corporation, be erected beyond the regular Line of Buildings in the Street in which the same is situate, in case the Distance of such Line of Buildings from the Highway do not exceed Thirty Feet or within Thirty Feet of the Highway where the Distance of the Line of Buildings therefrom amounts to or exceeds Thirty Feet, notwithstanding there being Gardens or vacant Spaces between the Line of Buildings and the Highway; and in case any Building shall hereafter be erected contrary to this Enactment, it shall be lawful for the Corporation to cause the same to be demolished or set back (as the Case may require), and the Expenses attendant upon or incidental thereto shall be paid to the Corporation by the Owner of the Premises, and if on Demand of such Expenses such Owner shall neglect or refuse to pay the same, then such Expenses shall be recovered by the Corporation from such Owner as Damages, before One or more Justice or Justices of the Peace, in the Manner provided by the said recited Act, or the Acts incorporated therewith, for Recovery of Damages not specially provided for.

Corporation in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer.

**11.** And whereas, under the Provisions of the said recited Act, considerable Expense has been incurred by the Corporation in the Construction and Maintenance of Main Sewers or Drains within the Borough of *Dublin*, and several of the Owners or Occupiers of Houses and Buildings in the Streets and other Thoroughfares under or through which such Main Sewers or Drains have been carried have neglected to make Branch Drains from such Houses or Buildings communicating with such Main Drains or Sewers for the Drainage of

of such Houses and Buildings, their Areas, Waterclosets, and Offices, to the Injury of the Public Health: Therefore, if any House or Building, whether built before or after the passing of this Act, situate within the Limits of the said Borough be found not to be drained by a sufficient Drain communicating with some Sewer, and emptying itself into the same, to the Satisfaction of the Corporation, and if a Sewer of sufficient Size be within One hundred Feet of any Part of such House or Building, on a lower Level than such House or Building, it shall be lawful for the Corporation, at their Discretion, by Notice in Writing, to be served upon the Occupier and Owner of such House or Building, and if the Name and Address of such Owner be not known, and the Occupier of such House or Building refuse to give the Name and Address of such Owner, then upon the Occupier only of such House or Building, to require the Owner or Occupier of such House or Building forthwith, or within such reasonable Time as may be appointed by the Corporation, to construct and make from such House or Building into any such Sewer a covered Drain, and such Branches thereto, of such Materials, of such Size, at such Level, and with such Fall as shall be adequate for the Drainage of such House or Building and its several Floors or Stories, and also of its Areas, Waterclosets, Privies, and Offices (if any), and for conveying the Soil, Drainage, and Wash therefrom into the said Sewer, and to provide fit and proper paved or impermeable sloped Surfaces for conveying Surface Water thereto, and fit and proper Sinks, and fit and proper syphoned or otherwise trapped Inlets and Outlets for hindering Stench therefrom, and fit and proper Water Supply, and Water-supplying Pipes, Cisterns, and Apparatus for securing the same and for causing the same to convey away the Soil, and fit and proper Sandtraps, expanding Inlets, and other Apparatus for hindering the Entry of improper Substances therein, and all other such fit and proper Works and Arrangements as may appear to the Corporation or to their Officers requisite to secure the safe and proper working of the said Drain, and to prevent the same from obstructing or otherwise injuring or impeding the Action of the Sewer to which it leads; and it shall be lawful for the Corporation to cause the said Works to be inspected while in progress, and, from Time to Time during the Execution, to order such reasonable Alterations therein, Additions thereto, and Abandonment of Part or Parts thereof as may to the Corporation or their Officers appear, on the fuller Knowledge afforded by the opening of the Ground, requisite to secure the complete and perfect working of such Works; and if the Owner or Occupier of such House or Building neglect or refuse during Twenty-eight Days after the said Notice has been delivered to such Owner or Occupier, or left at such House or Building, to begin to construct such Drain and other Works aforesaid, or any of them, or thereafter fail to carry

them on and complete them with all reasonable Despatch, it shall be lawful for the Corporation to cause the same to be constructed and made, and to recover the Expenses to be incurred thereby from such Occupier as Damages, in the Manner provided for the Recovery of Damages as herein-before mentioned: Provided always, that every such Occupier who at the Time of the Service of such Notice shall occupy such House or Premises, and shall have given such Information of the Owner of such House, but not otherwise, shall be entitled to deduct the Amount so paid to the Corporation from the Rent payable by him to the Owner of such House or Building.

As to Orders to be made under this Act.

**12.** All Orders of the Council made under the Provisions of this Act shall be subject to the same Right of Appeal as is provided by the said recited Act of the Twelfth and Thirteenth *Victoria*, Chapter Ninety-seven.

Expenses of Act.

**13.** The Costs, Charges, and Expenses attending on or incident to the applying for or obtaining this Act shall be paid by the Corporation out of the Improvement Fund of the said Borough.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

recited Act, to levy increased Assessments.

within the ancient and extended Royalties of the said City, and that to an Extent equal to but not exceeding Fourpence and One Halfpenny in the Pound on the said gross yearly Value, and were not authorized and are not entitled to levy the said increased Assessments upon or in respect of any Lands and Heritages situated beyond the Limits of the said ancient and extended Royalties; and that the said Magistrates and Council were and are authorized and entitled, under the Provisions of the recited Act, to add the Sum required under the Twenty-fifth Section thereof to the Estimates made, and to include the Amount of that Sum in the Assessment levied by them in Terms of the *Edinburgh* "Police Act, 1848," and "*Edinburgh* Municipality Extension Act, 1856."

Interpretation of Words.

2. The Words "ancient and extended Royalties," as used in this Act, shall be held to mean the Districts so designated before the passing of the "*Edinburgh* Municipality Extension Act, 1856."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Trusts aforesaid: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

*Preliminary.*

Short Title.

1. This Act may be cited for all Purposes as "The *Holyhead* Road Relief Act, 1861."

Definition of Terms.

The Expression "The *Holyhead* Road Act, 1823," shall mean the Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Seventy-four, intituled *An Act for vesting in Commissioners the Bridges now building over the* Menai Straits *and the River* Conway, *and the Harbours of* Howth *and* Holyhead, *and the Road from* Dublin *to* Howth, *and for the further Improvement of the Road from* London *to* Holyhead:

The Expression "The *Holyhead* Road Act, 1826," shall mean the Act passed in the Seventh Year of King *George* the Fourth, Chapter Seventy-six, intituled *An Act for further extending the Powers of an Act for vesting in Commissioners the Bridges building over the* Menai Straits *and the River* Conway, *and the Harbours of* Howth *and* Holyhead, *and the Road from* Dublin *to* Howth, *and for the further Improvement of the Road from* London *to* Holyhead:

The Expression "The *Holyhead* Road Act, 1828," shall mean the Act passed in the Ninth Year of King *George* the Fourth, Chapter Seventy-five, intituled *An Act for the further Improvement of the Road from* London *to* Holyhead, *and of the Road from* London *to* Liverpool:

The Expression "The *Holyhead* Road Act, 1836," shall mean an Act passed in the Session of the Sixth and Seventh Years of King *William* the Fourth, Chapter Thirty-five, intituled *An Act for further improving the Road between* London *and* Holyhead *by* Coventry, Birmingham, *and* Shrewsbury:

The Expression "The *Holyhead* Road Act, 1840," shall mean an Act passed in the Session holden in the Third and Fourth Years of Her present Majesty, Chapter One hundred and four, intituled *An Act to transfer to the Commissioners of Her Majesty's Woods and Works, and other Commissioners, the several Powers now vested in the Commissioners for repairing the Line of Road from* Shrewsbury *in the County of* Salop *to* Bangor Ferry *in the County of* Carnarvon; *and to amend the* London *and* Holyhead *Roads Acts so far as relates to the* Dunstable *Road.*

ST.

*Holyhead Road.*

ST. ALBAN'S AND BARNET TRUST.

As to Liquidation of Debt on St. Alban's and Barnet Trust.

2. The following Provisions shall be made with respect to the Liquidation of the Debt due to the Commissioners from the Trustees of the *St. Alban's and Barnet* Trust acting under the Local Act of First and Second *William* Fourth, Chapter Seventy-four:

(1.) The Trustees of the *St. Alban's and Barnet* Trust shall pay to the Commissioners the Sum of One hundred and fifty Pounds a Year for the Space of Fifteen Years on the Twentieth Day of *August* in every Year, the first of such Payments to be made on the Twentieth Day of *August* One thousand eight hundred and sixty-one. The said yearly Sums of One hundred and fifty Pounds, making in the whole the Sum of Two thousand two hundred and fifty Pounds, may be paid out of any Monies belonging to the said Trustees, instead of being payable exclusively out of the Tolls charged with the said Debt.

(2.) The said Sum of Two thousand two hundred and fifty Pounds in manner aforesaid shall be in full Satisfaction of the Debt of Fourteen thousand Pounds mentioned in the said Schedule, and Interest, and on the Completion of such Fifteen yearly Payments as aforesaid the said Debt of Fourteen thousand Pounds and all Interest thereon shall be extinguished.

(3.) From and after the Twentieth Day of *August* One thousand eight hundred and sixty-one, the Tolls leviable in pursuance of "The *Holyhead* Road Act, 1826," in respect of the Portion of Road therein described as the new Line of Road commencing at *Barnet* and extending from thence to *South Mimms*, shall be reduced One Half, and shall cease altogether at the Expiration of Fifteen Years from the said Twentieth Day of *August* One thousand eight hundred and sixty-one.

(4.) From and after the said Twentieth Day of *August* One thousand eight hundred and sixty-one, the Thirtieth and Thirty-fourth Sections of "The *Holyhead* Road Act, 1826," shall be repealed, and the reduced Tolls leviable in respect of the said new Line of Road in pursuance of this Act may be applied for the general Purposes of the Trust: Subject to above Reduction of Amount, and to the Repeal of the said Sections, all the Provisions of "The *Holyhead* Road Act, 1826," shall apply to the Tolls leviable in respect of the said new Line of Road, in the same Manner as if this Act had not passed.

(5.) From

(5.) From and after the said Twentieth Day of *August* One thousand eight hundred and sixty-one, the Tolls leviable in pursuance of "The *Holyhead* Road Act, 1826," in respect of the Portion of Road therein described as the new Road, commencing at or near the *Pea Hen* Inn, shall be reduced to the Amount authorized by the Ninety-second Section of "The *Holyhead* Road Act, 1823," except as to so much of such Tolls as were repealed by Section Thirty-nine of "The *Holyhead* Road Act, 1826," and shall cease altogether at the Expiration of Fifteen Years from the said Twentieth Day of *August* One thousand eight hundred and sixty-one.

7 G. 4. c. 76. s. 40.

(6.) From and after the said Twentieth Day of *August* One thousand eight hundred and sixty-one, the Fortieth and Forty-first Sections of "The *Holyhead* Road Act, 1826," shall be repealed.

## HIGHGATE ARCHWAY COMPANY.

Liquidation of Debts.

**3.** The following Provisions shall be made with respect to the Liquidation of the Debt due to the Commissioners from the Highgate Archway Company, acting under the Local Acts of the Fiftieth *George* Third, Chapter Eighty-eight, and Fifty-second *George* Third, Chapter One hundred and forty-six; that is to say,

(1.) The *Highgate* Archway Company shall pay to the Commissioners the Sum of Nine thousand Pounds by annual Instalments.

(2.) The Payment of the said Instalments shall extend over a Period of Fifteen Years, and shall be of the following Amounts; that is to say,

Four hundred Pounds for each of the First Five Years;
Six hundred Pounds for each of the Second Five Years;
Eight hundred Pounds for each of the Third Five Years:

The said Instalments shall be paid on the Thirtieth Day of *April* in every Year, and the first Payment thereof shall be made on the Thirtieth Day of *April* One thousand eight hundred and sixty-two.

(3.) The said Sum of Nine thousand Pounds shall be paid by such Instalments as aforesaid, out of any Monies for the Time being belonging to the Company.

(4.) The said Sum of Nine thousand Pounds shall be in full Satisfaction of the Debt of Thirteen thousand Pounds in the said Schedule mentioned, and Interest thereon, and on Completion

Completion of such Payments as aforesaid the said Debt of Thirteen thousand Pounds, and all Interest thereon, shall be extinguished.

(5.) From and after the passing of this Act the Toll Collector shall give to every Person who has paid a Toll at any Gate within the Limits of the *Highgate* Archway Company's Act in respect of any Horse or Beast, or any Description of Carriage, a Ticket denoting Payment of such Toll, and such Person shall on Production of the said Ticket, or on Proof that he has paid the Toll without being offered a Ticket, be free from paying any Toll in respect of the same Horse, Beast, or Carriage repassing once on the same Day through such Gate; and the Toll Collector shall give to every Foot Passenger who has paid a Toll for passing any Gate within the Limits of the said Acts a Ticket as aforesaid, and such Person shall on Production of the said Ticket, or on Proof that he has paid the Toll without being offered a Ticket, be free from paying any Toll on repassing once on the same Day through such Gate.

(6.) At the Expiration of a Term of Fifteen Years, commencing with the Thirtieth Day of *April* One thousand eight hundred and sixty-one, all Tolls leviable by the said Company shall cease, and all Powers of levying the same be determined.

(7.) At the Expiration of such Term as aforesaid all the Road now existing within the Limits of the said Company's Acts shall continue to be a public Highway, and shall be repairable by the respective Parishes in which the same is situate, and shall be free from Toll.

(8.) At the Expiration of such Term as aforesaid all Toll Gates on the said Road shall be taken down, and the Materials thereof sold, and the Proceeds of such Sale be applied by the said Company in such Manner as they think fit.

(9.) The Fourteenth, Fifteenth, Sixteenth, and Seventeenth Sections of "The *Holyhead* Road Act, 1828," shall be repealed.

## HOCKLIFFE AND STRATFORD TRUST.

Provisions as to Hockliffe and Stratford Trust

**4.** The following Provisions shall be made with respect to the *Hockliffe and Stratford* Trust, constituted by the Local Act of the Eleventh *George* Fourth, Chapter Eighty-three; that is to say,

(1.) From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-one, the Sum of Thirteen thousand

one hundred and fifty Pounds Twelve Shillings and Sixpence, due to the Commissioners from the Trustees of the *Hockliffe and Stratford* Trust, as in the said Schedule mentioned, and all Interest due thereon, shall be extinguished.

(2.) From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-one, the Fourth Section of the Act passed in the Session of the First and Second Years of King *George* the Fourth, Chapter Thirty, intituled *An Act for improving the Roads between* London *and* Holyhead, *by* Coventry, Birmingham, *and* Shrewsbury, so far as the same relates to the *Hockliffe and Stratford* Trust, but not further, and the Twentieth and Twenty-first Sections of "The *Holyhead* Road Act, 1828," and the Twentieth and Twenty-first Sections of "The *Holyhead* Road Act, 1836," shall be repealed, and the additional Tolls authorized to be levied or continued by the said Sections or any of them shall thereupon cease.

(3.) On or before the Thirty-first Day of *January* One thousand eight hundred and sixty-two, the Trustees of the *Hockliffe and Stratford* Trust shall pay to the Commissioners the Amount of additional Tolls received up to the said Thirty-first Day of *December* One thousand eight hundred and sixty-one.

## SHIFFNAL DISTRICT OF THE WATLING STREET ROAD TRUST.

Provisions as to Shiffnal District of Watling Street Road Trust.

5. The following Provisions shall be made with respect to the Liquidation of the Debt due to the Commissioners from the Trustees of the *Shiffnal* District of the *Watling Street* Road Trust, acting under the Local Act of the Sixth *George* the Fourth, Chapter One hundred and sixty-one; that is to say,

(1.) The Trustees of the *Shiffnal* District of the *Watling Street* Road Trust, herein-after called the *Shiffnal* District Trust, shall pay to the Commissioners the Sum of One hundred and twenty Pounds a Year for the Space of Fifteen Years on the Thirty-first Day of *December* in every Year, the first of such Payments to be made on the Thirty-first Day of *December* One thousand eight hundred and sixty-one. The said yearly Sums of One hundred and twenty Pounds, making in the whole the Sum of One thousand eight hundred Pounds, may be paid out of any Monies belonging to

to the said Trustees, instead of being payable exclusively out of the Tolls charged with the said Debt.

(2.) The said Sum of One thousand eight hundred Pounds in manner aforesaid shall be in full Satisfaction of the Debt of Five thousand five hundred Pounds in the said Schedule mentioned, and Interest thereon; and on the Completion of such Fifteen yearly Payments as aforesaid the said Debt of Five thousand five hundred Pounds, and all Interest thereon, shall be extinguished.

(3.) From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-one, the Thirty-first, Thirty-second, and Thirty-third Sections of "The *Holyhead* Road Act, 1828," shall be repealed, and the additional Tolls leviable by the Trustees of the said *Shiffnal* District Trust, in pursuance of the said Thirty-first Section, shall cease.

## DUNSTABLE ROAD TRUST.

Provisions as to Dunstable Road Trust.

6. The following Provisions shall be made with respect to the *Dunstable* Road Trust constituted by the Local Act of the First and Second *George* the Fourth, Chapter One hundred and seven; that is to say,

(1.) From and after the Twentieth Day of *August* One thousand eight hundred and sixty-one, the Sum of Four thousand four hundred and thirty-six Pounds Seven Shillings, in the said Schedule mentioned to be due to the Commissioners from the Trustees of the *Dunstable* Road Trust, and all Interest due thereon, shall be extinguished.

(2.) From and after the Twentieth Day of *August* One thousand eight hundred and sixty-one, the Twelfth, Thirteenth, Fourteenth, and Fifteenth Sections of "The *Holyhead* Road Act, 1836," and the Thirteenth and Fourteenth Sections of "The *Holyhead* Road Act, 1840," shall be repealed, and all Tolls leviable in pursuance of the said Sections shall thereupon cease.

(3.) Within One Month after the said Twentieth Day of *August* One thousand eight hundred and sixty-one, the Trustees of the *Dunstable* Trust shall sell the *Fly's Wash* Toll Gate, with its Appurtenances, and all Land belonging thereto, and shall pay the Proceeds of such Sale to the Commissioners, as well as the Tolls received at such Toll Gate up to the said Twentieth Day of *August* One thousand eight hundred and sixty-one.

PUDDLE

## PUDDLE HILL ROAD TRUST.

**Provisions as to Puddle Hill Road Trust.**

7. The following Provisions shall be made with respect to the *Puddle Hill* Road Trust constituted by the Local Act of the Fifty-fourth *George* the Third, Chapter One hundred and twenty-one; that is to say,

(1.) From and after the Date of the passing of this Act, the Sum of Seven thousand seven hundred and twenty-nine Pounds and Threepence, in the said Schedule mentioned to be due to the Commissioners from the Trustees of the *Puddle Hill* Road Trust, and all Interest due thereon, shall be extinguished.

(2.) From and after the Date of the passing of this Act, the Seventeenth and Eighteenth Sections of "The *Holyhead* Road Act, 1836," shall be repealed.

(3.) The Trustees of the *Puddle Hill* Road Trust shall, at least One Week previously to the Date at which the Local Act regulating such Trust (Fifty-fourth *George* the Third, Chapter One hundred and twenty-one,) will cease, sell the Toll House, Gate, Land, Cottage, and other Property of the Trust, and pay the Proceeds of such Sale, together with any Balance of Monies that may be in their Hands, to the Commissioners.

## STRATFORD AND DUNCHURCH ROAD TRUST.

**Liquidation of Debt on Stratford and Dunchurch Road Trust.**

8. The following Provisions shall be made with respect to the Liquidation of the Debt due to the Commissioners from the Trustees of the *Stratford and Dunchurch* Road Trust acting under the Local Act of the Third *George* the Fourth, Chapter Ninety-one; that is to say,

(1.) The Trustees of the *Stratford and Dunchurch* Road Trust shall pay to the Commissioners the Sum of Six hundred Pounds a Year for the Space of Fifteen Years on the Thirty-first Day of *December* in every Year, the first of such Payments to be made on the Thirty-first Day of *December* One thousand eight hundred and sixty-one. The said yearly Sums of Six hundred Pounds, making in the whole the Sum of Nine thousand Pounds, may be paid out of any Monies belonging to the said Trustees, instead of being payable exclusively out of the Tolls charged with the said Debt.

(2.) The said Sum of Nine thousand Pounds in manner aforesaid shall be in full Satisfaction of the Debt of Sixteen thousand seven

seven hundred and sixty Pounds Seven Shillings and Eightpence, in the said Schedule mentioned, and Interest thereon; and on the Completion of such Payments as aforesaid the said Debt of Sixteen thousand seven hundred and sixty Pounds Seven Shillings and Eightpence, and all Interest thereon, shall be extinguished.

(3.) From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-one, Section Thirty-six of "The *Holyhead* Road Act, 1826," and Sections Twenty-two, Twenty-three, Twenty-five, and Twenty-six of "The *Holyhead* Road Act, 1836," shall be repealed, and all Tolls leviable under the said Sections shall thereupon cease.

(4.) On or before the Thirty-first of *January* One thousand eight hundred and sixty-two, the Trustees of the *Stratford and Dunchurch* Road Trust shall sell the *Geese Bridge* Toll Gate, with its Appurtenances, and all Land belonging thereto, and shall pay the Proceeds of such Sale to the Commissioners, as well as the Tolls received at such Toll Gate up to the said Thirty-first Day of *December* One thousand eight hundred and sixty-one.

*General Provisions.*

**Priority of Payments.**

**9.** All Payments hereby required to be made by the Trustees of any Trust to the Commissioners shall be a First Charge on all the Tolls leviable by such Trustees, and shall be paid thereout in priority to all other Payments whatsoever, except the Expenses of collecting the Tolls.

**Penalty on default in Payment.**

**10.** If the Trustees of any Trust fail in making any Payment to the Commissioners hereby required to be made for a Period of Four Weeks after the Day appointed for Payment thereof, the Commissioners may enter into possession of all or any of the Toll Gates belonging to such Trust, and levy all the Tolls authorized to be levied at such Gates or Gate, and may, out of the Proceeds of such Tolls, after Payment of all Expenses incurred by them in taking such Possession, apply the same in Payment of the Instalments or other Monies for the Time being due to them under this Act, rendering the Overplus, if any, to the Trustees in default; and the Commissioners may so continue in possession until the whole of the Monies due from such Trustees in pursuance of this Act have been paid.

**Powers of Commissioners, and Entry into possession.**

**11.** The Commissioners, on entering into possession of the Toll Gates and Tolls of any Trustees making default in Payment of the Sums due in pursuance of this Act, may exercise and put in force all

all the Powers and Provisions which might be put in force by the last-mentioned Trustees with respect to the Levy of Tolls, the Appointment of Toll Collectors, the Erection or Removal of Toll Gates, and all other Matters relating to Tolls.

Provisions in Acts inconsistent with this, repealed.

**12.** All Provisions contained in any Local or other Act of Parliament inconsistent with the Provisions of this Act shall be repealed.

## SCHEDULE,

Showing the Amount of Principal Debt now due on account of Loans to the under-mentioned Districts of the Holyhead Road, and the Acts authorizing such Loans; also the Money to be paid by Instalments under this Act.

| District of Road. | Consolidated Fund Loans. | | | Exchequer Bill Loans. | | | Acts under which Loans were granted. | Money to be paid by Instalments |
|---|---|---|---|---|---|---|---|---|
| | £ | s. | d. | £ | s. | d. | | £ |
| St. Alban's and Barnet - | 14,000 | 0 | 0 | — | | | 7 Geo. 4. c. 76. - | 2,250 |
| Highgate Archway Road - | 13,000 | 0 | 0 | — | | | 9 Geo. 4. c. 75. - | 9,000 |
| Hockliffe and Stratford - | 3,150 | 12 | 6 | 10,000 | 0 | 0 | 9 Geo. 4. c. 75. and 6 & 7 W. 4. c. 35. - | — |
| Shiffnal District of the Watling Street Road - | 5,500 | 0 | 0 | — | | | 9 Geo. 4. c. 75. - | 1,800 |
| Dunstable - - | — | | | 4,436 | 7 | 0 | 6 & 7 W. 4. c. 35. and 3 & 4. Vict. c. 104. - | — |
| Puddlehill - - - | — | | | 7,729 | 0 | 3 | 6 & 7 W. 4. c. 35. - | — |
| Stratford and Dunchurch - | — | | | 16,760 | 7 | 8 | 6 & 7 W. 4. c. 35. - | 9,000 |

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

**remove the Infirmary for the County of Cork from Mallow to the City of Cork.**

remove the Infirmary for the County of *Cork* from the Town of *Mallow* to the said South Charitable Infirmary in the City of *Cork*, or to any other Building to which the said last-mentioned Infirmary may be hereafter removed; and from and after such Removal it shall be lawful for the Grand Jury of the County of *Cork*, from Time to Time, to present such Sums as they are now by Law authorized to present for the Infirmary of the said County, for the Purpose of establishing, maintaining, and supporting the said South Charitable Infirmary, and also such further Sum, not exceeding in the whole the Sum of One thousand Pounds, for the Purpose of erecting, enlarging, or furnishing any Buildings intended for the Use of such last-mentioned Infirmary: Provided always, that the Sums so presented in any One Year by the said Grand Jury (except the Sum of One thousand Pounds, herein-before mentioned) shall not exceed the Sums presented in such Year for such Purpose by the Town Council of the Borough of *Cork*; and provided also, that One Half of the Accommodation afforded by the said last-mentioned Infirmary shall be for the Use of Patients to be received therein from the County of *Cork*.

**Lord Lieutenant may direct the old Cork Lunatic Asylum to be transferred to the Trustees of the South Charitable Infirmary for the Purposes of this Act.**

2. Upon Presentment being made, as herein provided, for Payment to the Commissioners for General Control and Correspondence, and for superintending and directing the Erection, Establishment, and Regulation of Asylums for the Lunatic Poor in *Ireland*, of the Sum of Four hundred and seventy Pounds, being the Amount due to the said Commissioners for Rent and Arrears of Rent and Costs of Maintenance of the Building hereby authorized to be transferred, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and direct that the Building formerly used as the *Cork* District Lunatic Asylum, and the Ground and Soil appertaining thereto, and the several Materials and Appurtenances, and all Rights, Interests, and Liabilities connected therewith, shall be transferred to the Trustees of the said South Charitable Infirmary, or any Three of them, and their Successors, in trust for and to the Uses and Purposes of the said Infirmary for the County of *Cork*, and of the said South Charitable Infirmary, subject to the Payment of such annual Rents as are payable in respect of the said Building and the Ground and Soil appertaining thereto; and it shall be lawful for the Grand Jury of the County of *Cork* at the Assizes which shall be held next after the passing of this Act, and for the Town Council of the said Borough at their Presentment Sessions which shall be held next after the Period aforesaid, and they are hereby respectively required, to present the said Sum of Four hundred and seventy Pounds, to be raised off such County and Borough respectively in equal Proportions, without any Application

cation to Presentment Sessions; and it shall also be lawful for the said Grand Jury of the County of *Cork* at each subsequent Assizes, and the Town Council of the said Borough at each subsequent Presentment Sessions, and they are hereby respectively required, to present from Time to Time, to be raised off such County and Borough respectively in equal Proportions, without Application to Presentment Sessions, such Sum or Sums of Money as shall be necessary for paying such Arrears of Rent, or the Repairs of such Building, or such annual Rent, as and when the same may become due.

Saving Rights of W. Galwey, Surgeon of County of Cork Infirmary.

5 G. 3. (I.) c. 20.

14 & 15 Vict. c. 68.

**3.** The Removal of the Infirmary for the County of *Cork* to the City of *Cork* under the Provisions of this Act, or anything in this Act contained, shall not extend or be construed to extend to alter or take away any Right now vested in *William Galwey*, the Surgeon of the said Infirmary, to any annual Allowance or Stipend under the Provisions of an Act passed in the Parliament of *Ireland* in the Fifth Year of King *George* the Third, Chapter Twenty, as the same is amended by an Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-eight; and the same shall from Time to Time be paid to him upon the Certificate of the Secretary of the Grand Jury of the County of *Cork*, stating that the said *William Galwey* is the Person entitled to such annual Allowance or Stipend under the Provisions of the said last-recited Acts and this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

*Act for granting a Representative Constitution to the Colony of* New Zealand, it was enacted that the Sixty-ninth Section of the said first-recited Act should be repealed, and that it should be lawful for the said General Assembly to alter, suspend, or repeal all or any of the Provisions of the said Act, except the Third Section, and certain others therein specified: And whereas the said General Assembly, by an Act passed in a Session holden in the Twenty-first and Twenty-second Years of Her Majesty, intituled *An Act to provide for the Establishment of new Provinces in* New Zealand, did authorize the Governor of the said Colony to establish such new Provinces in manner therein mentioned, and the said Governor did establish certain new Provinces accordingly: And whereas Doubts are entertained whether it was competent to the said General Assembly to make such Provision, and to the said Governor to establish such new Provinces as aforesaid, and it is expedient that such Doubts should be set at rest: And whereas it is also expedient that the said General Assembly should be at liberty to alter Part of the Third Section of the herein-before first-recited Act of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to General Assembly to constitute new Provinces.

**1.** It shall be lawful for the said General Assembly, by any Act or Acts to be by them from Time to Time passed, or for the Officer administering the Government of *New Zealand*, acting under Authority of any such Act or Acts, to constitute new Provinces in *New Zealand*, and to direct and appoint the Number of Members of which the Provincial Councils of such Provinces shall consist, and to alter the Boundaries of any Provinces for the Time being existing in *New Zealand*.

Power to General Assembly to repeal Part of 3d Section of 15 & 16 Vict. c. 72.

**2.** It shall be lawful for the said General Assembly, to alter, suspend, or repeal so much of the Third Section of the herein-before first-recited Act of Parliament as provides that the Provincial Council in each of the Provinces thereby established shall consist of such Number of Members, not being less than Nine, as the Governor shall by Proclamation appoint.

Recited Act of General Assembly 21 & 22. Vict. to be valid.

**3.** The herein-before recited Act passed by the said General Assembly, and all Acts, Matters, or Things done under and in pursuance of Authority created or given or expressed to be created or given by the same Act, shall be, and shall be deemed to have been from the passing or doing thereof, as valid and effectual for all Purposes whatever as such Acts, Matters, or Things might or would have

have been if at the Time of the passing of the same Act by the said General Assembly this Act of Parliament had been in force.

4. The Provisions of the Two herein-before recited Acts of Parliament as altered by this Act shall apply to all Provinces at any Time existing in *New Zealand*, in like Manner and under the same Conditions as the same apply to the Provinces established by the herein-before first-recited Act of Parliament.

15 & 16 Vict. c. 72. and 20 & 21 Vict. c. 53. to apply to new Provinces.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

within any such Territory in contravention of any such Laws shall be cognizable in any such Courts, and shall be inquired of, tried, and prosecuted, and on Conviction punished, in such and the same Manner as if the same had been committed within the said Colony.

Governors may address Commissions to Persons to act as Magistrates in such Territories.

2. And whereas it is necessary to prevent as far as may be the Commission of Crimes by Her Majesty's Subjects within such Territories as aforesaid, and to provide for the Arrest, Commitment, and bringing to Punishment of any of Her Majesty's Subjects by whom any such Crimes may be perpetrated: Be it therefore enacted, That it shall be lawful for the Governors of the said Colony to address to any One or more of Her Majesty's Subjects, being within or about to resort to any such Territories as aforesaid, One or more Commission or Commissions authorizing him or them to exercise within such Territories the Office of a Magistrate for the Purpose of preventing the Perpetration therein by any of Her Majesty's Subjects of any Crimes or Offences, and for the Purpose of arresting, committing to Custody, and bringing to Trial before such Courts as aforesaid, any of Her Majesty's Subjects charged on sufficient Evidence before him or them with the Commission of any such Crimes or Offences within any such Territories; and it shall also be lawful to the Governor of the said Colony, by any such Commission or Commissions as aforesaid, to define with all practicable and convenient Precision the local Limits within which the Jurisdiction of any such Magistrate or Magistrates shall be so exercised, and to which it shall so extend; and within the Limits so to be defined as aforesaid every such Magistrate shall have, exercise, and enjoy all such Powers and Authorities over and in reference to Her Majesty's Subjects inhabiting or being within the same as shall by any such Commission or Commissions be specially granted: Provided always, that no such Powers or Authorities shall be so granted by any such Commission or Commissions, save only such as shall be necessary for accomplishing the Purposes aforesaid with Promptitude and Effect.

Powers of such Magistrates.

Commissions to be in force only during Her Majesty's Pleasure.

3. All such Commissions as aforesaid shall be made to continue in force only during Her Majesty's Pleasure, and the Governor for the Time being of the said Colony shall be and he is hereby bound and required to transmit a Copy of every such Commission by the earliest Opportunity to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Approbation or Disallowance.

Act not to extend constructively to Her Majesty's Dominions.

4. Nothing herein or in any such Commission or Commissions contained shall extend or be construed to extend to invest Her Majesty, Her Heirs or Successors, with any Claim or Title whatsoever to Dominion or Sovereignty over any such Territories as aforesaid, or

or to derogate from the Rights of the Tribes or People inhabiting such Territories, or of Chiefs or Rulers, to such Sovereignty or Dominion.

**5.** For the Purposes of this Act, any Person lawfully administering the Government of the said Colony shall be deemed and taken to be the Governor thereof. Who to be deemed the Governor.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

## CAP. XXXII.

## An Act for confirming a Scheme of the Charity Commissioners for "The Hospital of the Blessed Trinity," at *Guildford* in the County of *Surrey*, and its subsidiary Endowments, with certain Alterations. [11th *July* 1861.]

8th Report, dated 26th February 1861.

WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and sixty, have reported that they have provisionally approved and certified, among other Schemes for the Application and Management of Charities, a Scheme for "The Hospital of the Blessed Trinity" at *Guildford* in the County of *Surrey*, and its subsidiary Endowments, and such Scheme is set out in the Appendix to their said Report: And whereas it is expedient that the said Scheme, as the same is set out in the Schedule to this Act, should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, as follows:

Scheme in Schedule confirmed.

1. The said Scheme shall be confirmed and take effect.

## SCHEDULE.

SCHEME for the Application and Management of the CHARITY called "THE HOSPITAL of the BLESSED TRINITY" at GUILDFORD in the COUNTY of SURREY, and its subsidiary Endowments.

1. The existing incorporation of the Master, Brothren, and Sisters of the Hospital of the Holy Trinity in Guildford, by that or any other name, shall be dissolved.

The Charity shall be under the management of thirteen Governors, to be called "The Governors of Trinity Hospital at Guildford," and to consist of nine official Governors, viz.:—

The Mayor of Guildford;

The Rector of the parishes of Holy Trinity and Saint Mary in Guildford;

The Rector of the parish of Saint Nicholas in Guildford;

The Rector of Stoke-next-Guildford;

The Master of the Grammar School in Guildford respectively for the time being; and

The two senior Aldermen and two senior Town Councillors of Guildford respectively for the time being, who shall respectively be members of the Church of England;

and of four non-official Governors, being fit and proper persons, resident in the town of Guildford, or within the distance of seven miles therefrom, who shall be appointed in the first instance by the Board of Charity Commissioners for England and Wales, with the concurrence of the Archbishop of Canterbury, within three months next after the establishment of this scheme.

2. The office of a non-official Governor shall be vacated by his resignation, or bankruptcy or insolvency, or his ceasing to reside within the limit aforesaid, or his refusal or incapacity to act, or omission for a period of two consecutive years to attend any meeting of the Governors; and as soon as conveniently may be after the occurrence of any vacancy among the non-official Governors from any of the causes aforesaid, or by the death of any such Governor, the remaining Governors for the time being shall select some fit person resident within the limit aforesaid to fill such vacancy, so as to keep up the full number of four non-official Governors: provided that every such election shall be forthwith notified by the Governors to the Charity Commissioners for England and Wales, and to the Archbishop of Canterbury; and the appointment of the new Governor shall not be complete until the same shall have been approved by the said Commissioners and the Archbishop; and provided also, that during any vacancy among the Governors the remaining Governors shall be competent to exercise all the authorities hereby vested in the Governors for the time being.

3. All

*Guildford Hospital.*

3. All the real estate, of whatsoever tenure, and rights and privileges, belonging to or held in trust for the Charity (subject to the subsisting leases thereof, and the full benefit of all subsisting covenants, conditions, and securities made or reserved to the master and brethren of the said hospital, or to any person or persons in trust for them, or for the benefit of the Charity), and all the personal estate belonging thereto, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall be immediately vested in the said Governors hereby appointed, and shall from time to time vest and continue vested in the Governors of the said hospital for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance; and the right to sue upon and enforce all covenants, conditions, or securities made or reserved to the said master and brethren before their dissolution, or to or with any preceding Governors of the said Charity, shall be exerciseable by them, in the name of the Governors of the said hospital for the time being, as fully and effectually as the same right might be exercised by such master and brethren if not dissolved, or by such preceding Governors, if still retaining their office; and in the same manner all contracts and liabilities of the said master and brethren, or of any preceding Governors for the time being of the said Charity, may be enforced against the Governors thereof for the time being, to the extent of the property or assets of the Charity, but not against their private estates.

4. The sum of 2,909*l.* 17*s.*, part of the sum of 3,904*l.* 15*s.* 6*d.*, new 3 per cent. annuities, now standing in the names of the Master and Brethren of the Hospital of the Blessed Trinity in Guildford, and all or any other sums of stock belonging to or held in trust for the benefit of the said hospital or the inmates thereof, including the sum of 2,000*l.* 3*l.* per cent. consolidated annuities arising from Molineux's Gift, and now standing in the names of Benjamin Kingston Finnimore, Charles Edward Mangles, Edmund Nicholls, and Joseph Weale, shall be transferred into the name of the Official Trustees of Charitable Funds in trust for the said hospital, and shall constitute part of the general endowment of the hospital.

The sum of 994*l.* 18*s.* 6*d.*, the remaining part of the said sum of 3,904*l.* 15*s.* 6*d.* new 3*l.* per cent. annuities, shall be transferred into the name of the Official Trustees aforesaid, in trust for Archbishop Abbot's School in Guildford.

5. The real estate and hereditaments constituting the joint endowment of the said hospital and the aforesaid Archbishop Abbot's School (two thirds of the rents whereof are payable to the hospital, and the remaining one third to the Trustees of the said school,) shall be divided in those proportions between the said hospital and school by a valuer to be appointed for the purpose by the said Board, who shall be at liberty to assign to such valuer such remuneration as to them shall seem fit, to be paid in the like proportions out of the funds of the hospital and school respectively, and on the execution by such valuer of his award or instrument of partition the respective shares of the hospital and the school in such estate and hereditaments shall vest in the said Governors and Trustees respectively, to be held by them in severalty for the purposes of the respective Charities.

6. The Governors shall, as soon as conveniently may be after the establishment of this scheme, subject to the approval of the said Board, make suitable regu-

regulations for the conduct and management of all matters connected with the administration of the Charity and its property, and may from time to time, with the like approval, vary such regulations; and all such regulations shall be binding upon all persons interested; provided that no regulation be so made which is at variance with any of the provisions of this scheme.

7. The Governors shall, out of the annual income of the Charity, pay the yearly sum of 1*l.* 10*s.* to the rector of the aforesaid parish of Holy Trinity in Guildford, and defray or provide for the expense of repairing and keeping insured the hospital and other buildings belonging to the Charity, and the necessary current outgoings and expenses of managing the said Charity.

8. The establishment of the hospital shall in future consist of a master and twenty brethren and sisters.

The master shall be a single person of good character, not less than 50 years old at the time of his appointment, and a native of Guildford, or resident there for a period of at least 20 years.

The brethren and sisters shall be respectively poor single persons of good character, not less than 60 years old at the time of appointment, natives of the ancient borough of Guildford, or resident there for a period of at least 20 years; provided that if and so often as there shall not be any duly qualified candidate from the said ancient borough, candidates from the municipal borough of Guildford, being otherwise duly qualified as directed by this scheme, shall be eligible for appointment. No person shall be eligible for any of the said appointments who is a drunkard or lunatic, or has any infectious or contagious disease, or who shall be in receipt of relief from any parochial or other rate for the relief of the poor, or who shall have received such relief at any time within the three next preceding years; and in the selection of candidates those persons are to be preferred who, being otherwise properly qualified, shall have borne office or been traders in the said borough of Guildford.

The brethren and sisters shall in general be in the proportion of twelve brethren to eight sisters, with power, nevertheless, for the Governors to relax this rule under special circumstances as they may find expedient.

9. Upon the occurrence of any vacancy in the office of master, a meeting of the Governors shall be held, at which some proper person shall be appointed by the Governors to fill the vacancy; provided that no appointment of a master shall be made until the expiration of six weeks after the vacancy in the office has occurred, and that every such appointment be forthwith notified by the Governors to the Archbishop of Canterbury for his approval, without which approval the appointment shall not be complete or valid.

10. All applications for admission as inmates shall be made in writing to the master, and shall be entered by the master in a register specifying the date, and the name, age, residence, description, and qualifications of every applicant. The master shall also keep a register of all inmates admitted to the hospital, in which register shall be entered the date of every admission, and the particulars of the qualifications of each person admitted, and the date and mode of occurrence of every vacancy.

11. All appointments of inmates shall be made by the Governors at some meeting of their body, and the persons to be so appointed shall be selected by the Governors from the register of applicants, and (except in such special or urgent cases as may be considered by the Governors to require the relaxation of this rule)

rule) no appointment of any inmate shall be made until after the expiration of one calendar month at the least from the date of his or her application for admission. In making the appointments preference shall in all cases be given by the Governors, as far as possible, to the most deserving candidates, qualified as aforesaid, regard being had to the age, personal character, and the circumstances and necessities of each candidate.

12. The master shall receive a yearly salary of 70*l.*, to be paid to him by the Governors half-yearly out of the income of the Charity, and an allowance of 5*l.* annually for coals, and shall occupy such rooms within the hospital as may from time to time be assigned by the Governors for his use. The Governors, however, with the consent in writing of the Archbishop of Canterbury, and with the sanction of the Charity Commissioners, may from time to time vary the amount of the stipend and allowance to be paid to the master.

13. The Governors shall pay to each of the brethren and sisters respectively such weekly or other stipends or allowances, not exceeding the rate of 8*s.* per week, as the income and resources of the Charity will from time to time admit; provided that if the available income of the Charity at any time will not admit of the payment of a stipend at the rate of 5*s.* per week to each brother and sister the Governors shall be at liberty, with the consent of the Charity Commissioners, to suspend the appointment of the full number of inmates, so that such inmate may receive a stipend amounting to that weekly rate at the least.

The Governors shall also be at liberty to make reasonable allowances of coal or other necessaries to each of the brethren and sisters, to be provided out of the income of the Charity, in addition to their pecuniary stipends, whenever such income shall be sufficient for the purpose.

14. The salary of the master and the weekly stipend of each brother and sister hereafter to be elected shall commence from the day of his or her admission to the hospital; but the Governors shall be at liberty, if they so think fit, to set apart any proportion, not exceeding one half of such salary or stipend, for a period not exceeding three months, towards defraying the expense of cleansing, papering, or painting the apartment of such master, brother, or sister.

15. One room in the hospital shall be assigned by the Governors to each brother and sister for his or her exclusive use, and every such room with its fixtures shall be maintained and kept in repair out of the income of the Charity.

16. The Governors shall from time to time inspect the apartments of the master, brethren, and sisters respectively, and whenever they shall consider it necessary shall direct the same to be cleansed and whitewashed, and the windows to be mended, at the expense of the occupier, and they may defray the cost by deducting the same from his or her stipend, at their discretion.

17. The Governors shall have the power of removing the master and any of the brethren or sisters, in case they shall cease to be objects of the Charity, or for immorality, insubordination, or other misconduct; provided that the removal of the master shall not be valid without the approval in writing of the Archbishop of Canterbury.

*Guildford Hospital.*

18. The master may at any time, with the concurrence of one Governor or more, suspend any brother or sister, for misconduct, from the receipt of any allowance or benefit from the Charity until the case can be reported by the master to the Governors, and decided upon by them.

19. One of the brethren shall be appointed by the Governors to be the vice-master, and during his tenure of such appointment shall receive a salary at the rate of 4*l.* per annum, to be paid to him quarterly, in addition to his stipend as a brother.

The Governors shall be at liberty at any time to remove such vice-master, at their discretion, and to appoint another in his place.

20. The oaths hitherto administered to the master, brethren, and sisters respectively shall in future be discontinued. The sisters shall also be relieved from the duty of attending the sick; and the stipend of 13*s.* 4*d.* allowed as a remuneration for such service, and all allowances and gifts to the inmates, other than those directed or provided by this scheme, shall respectively cease.

All existing regulations and usages now in force with respect to the administration of the Charity, which are in any way at variance with this scheme or any of the provisions or objects thereof, shall also repectively cease and be discontinued.

21. Subject to the provisions of this scheme, the Governors may from time to time prescribe such reasonable rules and regulations as they may think expedient for the government and conduct of the hospital, and the master, inmates, and officers thereof, and all such rules and regulations shall be observed by the persons affected thereby.

22. If any doubt or question shall arise amongst the Governors or any of them as to the proper construction or application of any of the provisions of this scheme, or the management of the Charity, application may be made by the Governors to the Charity Commissioners for England and Wales, for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the Governors and on all other persons affected thereby; and if any of the provisions hereof relating to the detailed management of the Charity, and not prescribing or defining the principal objects thereof, shall be found to be unsuitable or practically inconvenient, the same may be modified or altered or annulled by the Governors, with the sanction of the said Commissioners.

23. This scheme shall be printed, and a copy given to every person who shall become a member of the governing body of the Charity, and to every master and inmate of the hospital.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

the Lands in Schedule to this Act were comprised in that Act.

if the Land and Hereditaments comprised and described in the Schedule to this Act were comprised and described in the First Schedule to the said Act.

Plan to be deposited at the Office of the Commissioners of Her Majesty's Works.

2. The said Plan prepared as aforesaid, describing the Land to be acquired by the said Commissioners under the Authority of this Act, shall, when signed by the Commissioners for executing the Office of Lord High Treasurer, be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Compulsory Powers to continue for Three Years.

3. The compulsory Powers hereby or by the said Act given to the said Commissioners of Her Majesty's Works and Public Buildings for purchasing or taking the Land and Hereditaments comprised in the said First Schedule hereto shall continue for Three Years from the passing of this Act, but no longer; and it shall be lawful for the said Commissioners and they are hereby authorized to purchase the said Land and Hereditaments, with and out of any Monies which have been or which may be appropriated by Parliament, or by Her Majesty's Principal Secretary of State for *India* in Council, and placed at the Disposal of the said Commissioners for that Purpose.

Commissioners of Works to pay 2,470*l.* to Commissioners of Woods for the Property of the Crown, and such Property thereupon to vest in the Commissioners of Works for the Purposes of this Act.

4. And whereas it has been referred to *James Pennethorne* of *Whitehall Yard* in the City of *Westminster*, Surveyor, to ascertain on behalf of Her Majesty on the one Part, and the Commissioners of Her Majesty's Works and Public Buildings on the other Part, the Value of a certain Portion of the Hereditaments comprised in the First Schedule to this Act, the Property of Her Majesty in right of Her Crown, as more particularly described in the Second Schedule to this Act, subject to the Leases or Agreements for Leases affecting the same as mentioned in such Second Schedule, and such Value has been ascertained by the said *James Pennethorne* to be the Sum of Two thousand four hundred and seventy Pounds: Be it enacted, That out of the First Monies which have been or which may be appropriated and placed at the Disposal of the Commissioners of Her Majesty's Works and Public Buildings by Parliament, or by Her Majesty's Principal Secretary of State for *India* in Council, for that Purpose, the said last-mentioned Commissioners shall pay the said Sum of Two thousand four hundred and seventy Pounds to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, to be by them applied to the same Purposes as Monies arising from the Sale of Estates belonging to the Crown are by an Act of the Tenth Year of the Reign of

of King *George* the Fourth, Chapter Fifty, directed to be applied; and upon such Payment being made, the Hereditaments belonging to Her Majesty, as more particularly mentioned in the said Second Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance of the same in Fee Simple, shall (subject to the Leases or Agreements for Leases in the said Second Schedule to this Act mentioned or referred to) be and become by force and virtue of this Act vested in the Commissioners of Her Majesty's Works and Public Buildings, their Successors and Assigns, for ever, who shall be deemed in Law to be in the actual Seisin and Possession thereof, subject to the Leases or Agreements for Leases mentioned in the said Second Schedule, and with the same or the like Power of Recovery of the Rents, and compelling the Performance of the Covenants in the said Leases or Agreements respectively reserved or contained, and on the Part of Tenants to be paid and performed, as were possessed by Her Majesty immediately before the passing of this Act, but freed and discharged and absolutely exonerated of and from all former and other Estates, Rights, Titles, Uses, Trusts, Intents, and Purposes, Interests, Claims, and Demands heretofore created, limited, or declared of or affecting the same, in trust nevertheless for the Purposes of this Act: Provided always, that in any Case in which other Hereditaments are comprised in the same Lease as that by which is demised any Part of the Hereditaments mentioned in the Second Schedule to this Act, nothing herein contained shall affect or prejudice the Covenants, Conditions, and Agreements contained in such Lease, so far as the same relate to the Hereditaments not mentioned in the same Schedule, it being the Intention of this Act that upon the said Payment being made to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, all Covenants, Conditions, and Agreements contained in any such Lease, and the Rents thereby reserved, shall be distributed so that the same shall thenceforth be enforceable and recoverable by the Commissioners of Her Majesty's Works and Public Buildings with respect to the Hereditaments mentioned in the said Second Schedule to this Act, and by Her Majesty, Her Heirs and Successors, or by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with respect to the other Hereditaments comprised in such Lease.

**Maximum Sum payable for making up Deficiency in Rates to be increased.**

5. Whereas by the Forty-eighth Section of the Public Offices Extension Act, 1859, after reciting that by reason of taking the Land mentioned in the Schedule to the said Act, and for the Purposes thereof, there might be Deficiencies in the Produce of the Assessments for the Relief of the Poor, and making certain Payments, directed by Act of Parliament to be made out of the Poor's Rate, as also in the Produce of other Assessments directed to be raised and levied on the Persons and in

in respect of the Property by Law rateable to the Relief of the Poor of the Parishes of *Saint Margaret* and *Saint John the Evangelist*, *Westminster*, and reciting, that the Rates of the said Parishes had been mortgaged, and were then charged with and subject to the Repayment of certain Sums, amounting in the aggregate to Thirty-five thousand four hundred and three Pounds, or thereabouts, Principal Money, with Interest thereon, and which Charges it was calculated would be wholly paid off on or before the Twenty-fifth Day of *December* One thousand eight hundred and seventy-three, and that it was expedient that Provision should be made for a Contribution for a limited Time by the said Commissioners in aid of the Poor Rates and other Rates to be raised and levied as therein-before mentioned, it was enacted, that the said Commissioners should, from and after the Twenty-ninth Day of *September* One thousand eight hundred and fifty-nine, yearly and every Year until the Twenty-ninth Day of *September* One thousand eight hundred and seventy-three, by and out of such Monies as Parliament might from Time to Time place at their Disposal for that Purpose, pay and make good, in manner therein mentioned, to the said Parishes, such Sum or Sums of Money, not exceeding the Sum of Four hundred Pounds *per Annum*, as should be deficient in respect of the said Rates by reason or means of taking the Land mentioned in the Schedule to the said Act, for the Purposes thereof, such Deficiencies to be calculated and ascertained with reference to the Sum of Three hundred and seventy-five Pounds, being the Amount actually collected for and in respect of such Rates made in the Year One thousand eight hundred and fifty-eight in respect of Houses and Buildings which might be shut up or taken down, or of Ground taken and used by the Commissioners for the Purposes of the said Act, and by the Forty-ninth Section of the said Act it was provided that the first Payment in respect of such Deficiencies should be made on the Twenty-ninth Day of *September* One thousand eight hundred and sixty: Now be it enacted, That in consideration of the additional Land to be taken as aforesaid, the maximum Sum of Four hundred Pounds *per Annum*, payable as in the said Act mentioned, for making up such Deficiency as aforesaid, shall be increased to a Sum not exceeding Five hundred and twenty Pounds *per Annum*, and the annual Amount with reference to which such Deficiencies shall be calculated and ascertained, as in the said Act mentioned, shall be the Sum of Four hundred and ninety-eight Pounds, in lieu of the Sum of Three hundred and seventy-five Pounds in the said Act mentioned, and the First Payment in respect of the Deficiencies arising by reason of or with reference to the Land comprised in the First Schedule to this Act shall be made on the Twenty-ninth Day of *September* One thousand eight hundred and sixty-two.

**6.** Whereas

6. Whereas by the Fifty-third Section of the said Act it is provided, that in every Action or Suit brought or prosecuted for anything done in pursuance thereof, as therein mentioned, the Defendant shall and may, at his Election, plead specially or plead the General Issue, and give the said Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act: Be it enacted and declared, That in case any Defendant shall plead the General Issue, as aforesaid, in any Action or Suit relating to the Land and Hereditaments comprised in the said First Schedule hereto or any Part thereof, or to anything done in respect thereof, he may in like Manner give the special Matter in Evidence, and that the same was done in pursuance and by the Authority of the said Act and of this Act.

If Defendant shall plead the General Issue in any Action he may give the special Matter in Evidence.

7. This Act may be cited as "The Supplemental Public Offices Extension Act, 1861."

Short Title.

## The FIRST SCHEDULE referred to in the foregoing Act.

### The Parish of Saint Margaret, Westminster, in the County of Middlesex.

| No. on Plan. | No. in Street. | Description of Property. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. |
|---|---|---|---|---|---|
| | | *Duke Street.* | | | |
| 1 | 13 | Dwelling House, Offices, and Yard. | Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin. | John Swift and John Edward Errington, Executors of Joseph Locke, deceased; John Edward Errington. | John Swift and John Edward Errington, Executors of Joseph Locke, deceased; John Edward Errington. |
| 2 | 14 | Dwelling House and Yard. | | Frederic Yates - - | Frederick Yates. |
| 3 | 15 | Public Offices and Yard. | | Sir Robert Gyll and the Secretary-at-War. | The Adjutant General. |
| 4 | 16 | Public Offices and Yard. | | The Commissioners of Her Majesty's Works and Public Buildings. | Unoccupied. |
| 5 | — | Garden Ground and Outbuildings. | The Crown - | Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, John Edward Errington. | John Swift and John Edward Errington, Executors of Joseph Locke, deceased; John Edward Errington. |
| 6 | — | Garden Ground and Outbuildings. | | Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Frederick Yates. | Frederick Yates. |
| 7 | — | Offices - - | | Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Sir Robert Gyll, and the Secretary-at-War. | The Adjutant General. |
| 8 | — | Garden Ground and Outbuildings. | | Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, the Commissioners of Her Majesty's Works and Public Buildings. | Unoccupied. |
| 9 | — | Public Street - | - - - | - - - - | The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public. |

## The SECOND SCHEDULE referred to in the foregoing Act.

### The Parish of Saint Margaret, Westminster, in the County of Middlesex.

| No. on Plan. | Description of Property. | Owners or reputed Owners. | Lessees or reputed Lessees. | Occupiers. | Tenure. | Amount of apportioned annual Rent. |
|---|---|---|---|---|---|---|
| | | | | | | £ s. |
| 5 | Garden Ground and Outbuildings. | The Crown | Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, John Edward Errington. | John Swift and John Edward Errington, Executors of Joseph Locke, deceased, John Edward Errington. | Agreement for Lease for a Term of 30 Years, from the 5th April 1857, at the Rent of 63*l.* per Annum apportioned. | 18 0 |
| 6 | Ditto - | Ditto - | Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Frederick Yates. | Frederick Yates - | | 18 0 |
| 7 | Offices - | Ditto - | Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Sir Robert Gyll, and the Secretary-at-War. | The Adjutant General. | | 27 0 |
| 8 | Garden Ground and Outbuildings. | Ditto - | Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Fredrick Gwatkin, the Commissioners of Her Majesty's Works and Public Buildings. | Unoccupied - - | Lease (with other Property) to John Fraser and Ralph Colley Smith, Executors to the Will of General Buckley, to 5th April 1881. | 4 51 |

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Her Majesty, Chapter Thirty-one, it is provided that the Commissioners of Public Works in *Ireland* should not make any Order for any Loan under the said Acts or any of them to the same Owner for a larger Sum than Five thousand Pounds, or if any previous Order or Orders should have been made under the said Acts for a Loan or Loans to the same Owner in respect of the same or any other Lands, or to any previous Owner of the same Lands in respect of such Land, the said Commissioners should not make such Order for a Loan to a larger Amount than would, with the Sum that had been or might be issued under such previous Order or Orders, make up Five thousand Pounds: And whereas it is expedient that, for the Purpose of facilitating the Erection of Dwelling Houses for Labourers and their Families, Loans may be authorized to be made under the Provisions of the said Acts beyond the said limited Sum of Five thousand Pounds: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Loans may be made for the Erection of Dwellings for Labourers and their Families, notwithstanding previous Loans.

1. That notwithstanding that an Order or Orders may have been or may be made by the said Commissioners of Public Works in *Ireland*, under the said Acts or any of them, for a Loan or Loans either to the same Owner in respect of the same or any other Land, or to several Owners in respect of the same Lands, amounting in the whole to the said Sum of Five thousand Pounds, it shall be lawful nevertheless for the said Commissioners to make a further Loan or further Loans, under the Provisions of the said Act of the Twenty-third Year of Her Majesty, Chapter Nineteen, and of the said Acts therein recited, for the Purpose only of erecting Dwellings for Labourers and their Families: Provided always, that such further Loan or Loans so to be made in excess of the said Sum of Five thousand Pounds shall not exceed the Sum of One thousand Pounds.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. XXXV.

An Act to increase the Facilities for the Transfer of Stocks and Annuities transferable at the Bank of *Ireland*, and to make further Provision respecting the mutual Transfer of Capital in certain Public Stocks or Funds transferable at the Banks of *England* and *Ireland* respectively, and for other Purposes. [22d *July* 1861.]

WHEREAS it is expedient that more effectual Regulations should be made for facilitating the Transfer of Government Stocks, Funds, and Annuities now by Law transferable at the Bank of *Ireland*, and also to facilitate the mutual Transfer of Capital in certain public Stocks or Funds transferable at the Bank of *England* to certain public Stocks or Funds transferable at the Bank of *Ireland*, and in like Manner from certain public Stocks or Funds transferable at the Bank of *Ireland* to certain public Stocks or Funds transferable at the Bank of *England*: And whereas the said Governor and Company of the Bank of *Ireland* have heretofore closed the Books for Transfer of the various Capital Stocks and Annuities created by Parliament transferable at the

Bank of *Ireland* forming Part of the unredeemed Public Debt for a certain Number of Days prior to the Days fixed for the Payment of the half-yearly Dividend thereon respectively, in order to their Convenience in calculating the Dividends due to the several Proprietors thereof and preparing the Warrants for the same, and during the Period of such closing no Transfers have been permitted except under Circumstances of special Necessity, and such Transfers have been attended with great Inconvenience by reason of the Stocks so transferred carrying the Right to the current Half Year's Dividend: And whereas it is desirous to increase the Facilities for the Transfer of such Stocks: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provision for Increase of Facilities for the Transfer of Stocks and Annuities.

1. It shall be lawful for the said Governor and Company of the Bank of *Ireland* to close the Books for the Transfer of the said several Stocks and Annuities on any Day not exceeding Fifteen Days prior to that on which the Dividends thereon respectively shall by Law be payable; and the Persons or Person who on the Day of the closing of such Book was or were inscribed as the Proprietor or Proprietors of any Share or Shares of and in such Stocks and Annuities respectively, shall, as between him, her, or them and the Transferee or Transferees thereof, be the Person or Persons entitled to the then current Half Year's Dividend thereon; and the Person or Persons to whom any Transfer shall be made after the Day of the closing of such Books shall not be entitled to the then current Half Year's Dividend on such Stock, but shall take and accept the same, exclusive of the Right to the said half-yearly Dividends.

Provision for limiting Periods for closing the Books against mutual Transfers of Stocks, &c. in England and Ireland.

2. And whereas it is desirable to increase the Facilities for the mutual Transfer of Capital in the Public Stocks, Annuities, or Funds transferable at the Banks of *England* and *Ireland* respectively, and to curtail the Time during which the Books of the said Governor and Company of the Bank of *England* and of the said Governor and Company of the Bank of *Ireland* respectively are now by Law closed against such Transfers: Be it therefore enacted, That it shall not be lawful for any Person or Persons to make any Transfer or Transfers, for the Purposes of said Act, of any Stocks, Funds, or Annuities from *England* to *Ireland*, or from *Ireland* to *England*, respectively, during the Period of Three clear Days preceding the Day or Days on which the Books of the said Governor and Company of the Bank of *England*, and of the said Governor and Company of the Bank of *Ireland*, respectively, shall from Time to Time be closed for the Purpose of Dividend prior to the Day or Days fixed for Payment of the same.

3. And

*Transfer of Stocks and Annuities.*

3. And whereas by an Act of Her present Majesty's Reign passed in the last Session of Parliament, intituled *An Act to make Provision as to Stocks and Dividends unclaimed in* Ireland, and reciting an Act of Fifty-sixth Year of King *George* the Third, Chapter Sixty, all the Provisions of said last recited Act were extended to all Stocks, Funds, and Annuities constituting Part of the National Debt, and transferable at the Bank of *Ireland*, and to the Dividends thereon, and to the Governor and Company of the Bank of *Ireland* and their Officers, and to the Court of Chancery in *Ireland:* And whereas by said recited Acts Power is vested in the Governor and Deputy Governor of the Bank of *Ireland* for the Time being to authorize and direct the Accountant General or Secretary of the Governor and Company of the Bank of *Ireland* for the Time being to re-transfer any Capital Stock which shall have been transferred to the Commissioners for the Reduction of the National Debt under the Circumstances therein mentioned: And whereas it is expedient to extend the Authority in the said Acts contained to the Deputy Accountant General and Deputy or Assistant Secretary for the Time being of the said Governor and Company of the Bank of *Ireland:* Be it therefore enacted, That all Transfers directed to be made under the Provisions in that Behalf contained in the said recited Acts or any of them, to and from the Account of the said Commissioners, shall be as valid and effectual, if made by the Deputy Accountant General or the Deputy or Assistant Secretary of the said Governor and Company of the Bank of *Ireland* for the Time being, as if the same had been made by the Accountant General or Secretary of the said Governor and Company for the Time being.

Extending Powers of 56 G. 3. c. 60. as to the Re-transfer of Unclaimed Dividends and Stock.

4. The Eleventh and Twelfth Sections of the Act Fifth *George* he Fourth, Chapter Fifty-three, are hereby repealed.

Sects. 11 & 12 of 5 G. 4. c. 53. repealed.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. XXXVI.

## An Act to amend the Boundaries of Burghs Extension (*Scotland*) Act. [22d *July* 1861.]

WHEREAS by the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy, it is provided that the Boundaries of Royal and Parliamentary Burghs in *Scotland* may be extended for Municipal Purposes only, including the Right of voting for Town Councillors, and all Matters connected with Police, and it is expedient that Provision should be made for the Division into Wards of the District comprehended within the extended Boundaries of such Burghs as have been or may be divided into Wards: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: 20 & 21 Vict. c. 70.

1. Where the recited Act has been or shall be adopted in any Royal or Parliamentary Burgh in *Scotland* which has been or shall be divided into Wards, and the extended Boundaries of such Burgh have been or shall be fixed in manner therein provided, it shall be lawful for the Sheriff of the County in which such Burgh is situate, or any of his Substitutes, on the Application of the Town Council of such Burgh, Extended District may be formed into Wards or annexed to existing Wards by the Sheriff on Applica-

tion of the Town Council.

Burgh, to form the District comprehended within such extended Boundaries into a Ward or Wards, or to annex such District or any Part thereof to any One or more of the existing Wards of such Burgh, and to fix and arrange the Limits of such extended Wards, and the Number of Councillors to be elected for each existing and extended Ward of such Burgh, in such Manner as he shall think fit, and to take all such Proceedings for these Purposes as may be necessary or expedient.

Notice of Limits of Wards and Number of Councillors to be published.

2. On such Formation or Annexation of Wards being made and completed, a Notice signed by such Sheriff or Sheriff Substitute specifying the Limits of the extended Wards, and the Number of Councillors to be elected for each existing and extended Ward of such Burgh, as fixed and arranged by him, shall be published once in the *Edinburgh Gazette*, and once in each of Two successive Weeks in a Newspaper published in such Burgh, or, if no Newspaper be published therein, in a Newspaper published in the County in which such Burgh is situate; and thereafter the qualified Electors of all such Wards, whose Names shall be on the List or Roll of Electors of such Burgh in force for the Time being, shall be entitled to vote in the Election of Councillors for such Burgh, for as many qualified Persons to be Councillors in and for such Wards respectively as are specified in such Notice, in the Manner provided by the Acts Third and Fourth *William* the Fourth, Chapters Seventy-six and Seventy-seven; and all Orders or Deliverances made or pronounced by such Sheriff or Sheriff Substitute in the Execution of this Act shall be final, and not subject to Appeal, Review, or Reduction in any Court or by any Process whatsoever.

Sheriff may act when extended Boundaries are in another County.

3. In the event of the Boundaries of any Burgh being extended into another County than that in which such Burgh is situate, it shall be lawful for the Sheriff or Sheriff Substitute of the County in which such Burgh is situate to act, in carrying into execution the Provisions of this Act with respect to the District comprehended within such extended Boundaries in another County, in the same Manner and to the same Effect as if such District had been situate in the County of which he is Sheriff or Sheriff Substitute.

Expenses to be paid by Town Council.

4. All Expenses incurred in or with respect to the Proceedings under this Act in any Burgh shall be paid by the Town Council of such Burgh.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Heritages situated in *Great Britain* and *Ireland*, or to raise such Funds by Assessment, imposed as an equal Per-centage upon the annual Value of all Lands and Heritages, within the Parish or Combination, and upon the estimated annual Income of the whole Inhabitants from Means and Substance other than Lands and Heritages situated in *Great Britain* or *Ireland*, is hereby repealed: and every Parochial Board of any Parish or Combination of Parishes now raising such Funds in Terms of the Parts of the said recited Act which are hereby repealed as aforesaid shall, before ceasing to raise such Funds, and within Two Months after the passing of this Act, resolve to adopt the First Mode of Assessment specified in Section Thirty-four of the recited Act, and to classify Lands and Heritages equitably in Terms of the Thirty-sixth Section of the said recited Act, and shall forthwith report such Resolution to the Board of Supervision, which is hereby authorized and required to determine whether or not the Classification so resolved on is equitable, and, in the event of their considering the Classification thereby made is not equitable, to vary or alter the same as to them shall seem just; and until the said First Mode of Assessment so resolved on, with relative Classification, shall have been approved of by the Board of Supervision, the Assessment for Relief of the Poor in any Parish where the Classification may not be approved of shall continue to be raised according to the Mode now in operation in such Parish; and after the proposed Classification in any Parish shall have been approved of by the Board of Supervision, it shall not be altered or departed from without the Sanction of the said Board: Provided always, that nothing in this Act shall be construed to prevent the Parochial Board of any Parish or Combination of Parishes from collecting any such Assessments actually imposed prior to the First Day of *January* One thousand eight hundred and sixty-two, according to the Mode legally in force in the Parish or Combination at the Date when such Assessments were imposed.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

** ***\

Short Title.

2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1861," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

## SCHEDULE to which this Act refers.

| Inclosure. | County. | Date of Provisional Order. |
|---|---|---|
| Chaldon Commons | Surrey | 10th January 1861. |
| Llanfihangel Rhydithon | Radnor | 7th February 1861. |
| Ambleside | Westmorland | 24th January 1861. |
| Thorpe Low Common | Norfolk | 14th March 1861. |
| High and Low Hartsopp Pastures | Westmorland | 28th February 1861. |
| Llanddew Common | Brecon | 29th November 1860. |
| Talwen Common | Brecon | 29th November 1860. |
| Armscote Field | Worcester | 11th April 1861. |
| Llanfihangel-fechan | Brecon | 29th November 1860. |
| Garthbrengy Common | Brecon | 29th November 1860. |
| Merthyr Cynog | Brecon | 29th November 1860. |
| Thoralby | York | 25th April 1861. |
| Whichwood (Pudlicot) | Oxford | 25th April 1861. |
| East Orchard | Dorset | 17th May 1860. |
| Dilwyn | Hereford | 14th March 1861. |
| Walderton Down | Sussex | 25th April 1861. |
| Talachddu | Brecon | 25th April 1861. |
| Loweswater | Cumberland | 22d April 1858. |
| Bedworth | Warwick | 25th April 1861. |
| Upshire | Essex | 14th March 1861. |
| Spencers Wood Common | Berks | 14th March 1861. |
| Swallowfield | Berks | 14th March 1861. |
| Cleeton | Salop | 23d May 1861. |
| Linton | York | 25th April 1861. |
| Writtle and Roxwell | Essex | 6th June 1861. |
| Radnor Forest | Radnor | 14th March 1861. |

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

and be as binding, and of the like Force and Effect, except the Clause numbered 2. in the Provisional Order for *Morpeth* in the County of *Northumberland*, as if the Provisions of the same had been expressly enacted in this Act.

Provisional Order for Morpeth not to affect Election of Local Board of Health, save as regards Bedlington.

2. Nothing in the Provisional Order for the *Morpeth* District in this Schedule contained shall affect the Election or Selection of the Local Board of Health for the said District, except as regards the Members elected in and for the Parish of *Bedlington*, who shall, from and after the passing of this Act, cease to be Members of the said Board.

Apportionment of existing Debt between Morpeth and Bedlington.

3. Whereas a Debt of Three hundred and twenty-six Pounds Nine Shillings and Sevenpence, with Interest thereon at the Rate of Four *per Cent. per Annum*, is now owing by the Local Board of Health for the *Morpeth* District, and such Debt is secured on Mortgage of the Special District Rates of the said District for the unexpired Period of Twenty-three Years: And whereas it is expedient to determine the Proportions in which such Debt shall be paid by Rates levied respectively within the Parts into which the said District is divided by the Provisional Order in the Schedule to this Act annexed: Be it enacted, That from and after the Division of the said District the Parish of *Bedlington* shall contribute towards the Payment of such Debt the Sum of One hundred and eighty-three Pounds Sixteen Shillings and One Halfpenny, with Interest thereon at the Rate of Four *per Cent. per Annum*, and the Local Board of Health for the District of *Morpeth* as altered by the Provisional Order aforesaid shall contribute towards the same Object the Sum of One hundred and forty-two Pounds Thirteen Shillings Sixpence and One Halfpenny, with the like Interest thereon; and that it shall be lawful for the Overseers within the said Parish of *Bedlington* to raise the annual Instalments required to pay off the said Sum of One hundred and eighty-three Pounds Sixteen Shillings and One Halfpenny, with Interest thereon at the Rate of Four *per Cent. per Annum*, in the Name and as Part of the Rates levied by them within such Parish for the Relief of the Poor thereof: Provided always, that in assessing to the Rate for the Purpose of paying off such Instalment and Interest, all the Kinds of Property which would be assessed to General District Rates under the Local Government Act, 1858, in the Proportion of One Fourth Part only of the net annual Value thereof, shall be assessed in the same Proportion only of such Value to the Rate levied under this Enactment.

Surveyors of Highways to be elected

4. The Inhabitants of the Parts of the Parish of *Bromsgrove* separated from the District of the Local Board by the Provisional Order

Order in the Schedule to this Act annexed shall, within One Month from the passing of this Act, assemble and elect One or more Persons to serve the Office of Surveyor, under the Provisions of the General Highways Act, in the same Manner as they would have assembled for the Election of Surveyors of Highways at *Easter* now last past, if the Local Government Act aforesaid had not then been in force within such Parts.

for the Parts of Bromsgrove separated from the District.

5. This Act shall be deemed to be incorporated with "The Local Government Act, 1858," and shall be as if this Act and the said Local Government Act were One Act.

This Act incorporated with 21 & 22 Vict. c. 98.

6. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1861."

Short Title.

## SCHEDULE of Provisional Orders referred to in the preceding Act.

1. BRIGHTON.—Repealing and altering arts of Local Acts in force within the District.
2. EAST COWES.—Repealing a Local Act in force within the District.
3. PRESTON.—Repealing and altering Parts of a Local Act in force within the District; extending the Borrowing Powers of the Preston Local Board of Health; extending the Time for paying off Sums borrowed by such Board; and for other Purposes
4. MORPETH.—Altering the Boundaries of the District of Morpeth, as constituted for the Purposes of the Public Health Act, 1848.
5. BROMSGROVE.—Altering the Boundaries of the District of Bromsgrove, as constituted for the Purposes of the Local Government Act, 1858.
6. DURHAM.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement.

## BRIGHTON.

*Provisional Order repealing and altering Parts of Local Acts in force within the District of the Brighton Local Board.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Brighton, in which the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to the Right Honourable Sir George Cornewall Lewis, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of certain Local Acts of Parliament in force within the said Borough, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Sixth year of the reign of King George the Fourth, intituled "An Act for the better regulating, paving, improving, and managing the town of Brighthelmston in the County of Sussex, and the poor thereof:"

An Act passed in the Thirteenth year of the reign of Queen Victoria, intituled "An Act to enable the Commissioners acting under an Act passed in the Sixth year of the reign of His late Majesty King George the Fourth, for better regulating, paving, improving, and managing the Town of Brighthelmston in the County of Sussex, and the poor thereof, to purchase, improve, and manage the Royal Pavilion at Brighton, and the grounds thereof, and to enlarge, extend, and apply the Powers and Provisions of the same Act with reference thereto:"

An Act passed in the Eighteenth year of the reign of Her said Majesty, intituled "An Act to transfer to the Corporation of the Town of Brighton the property, powers, privileges, and liabilities of the Brighton Improvement Commissioners."

And

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said Borough in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such order can be valid without the confirmation of Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The parts of the Local Act specified in the Schedule hereunto annexed shall be repealed.

2.—The Provisions of the Public Health Act, 1848, as to Byelaws shall extend to all Byelaws made under the said herein-before recited Local Acts.

3.—The kinds of property exempted by the Proviso to the 133d Section of the said Local Act 6 Geo. 4. c. 179. from Rates under that Act shall be exempt from rating under the said Local Government Act, 1858, and the Acts incorporated therewith, but shall be liable to all Highway Rates levied by the Local Board within the said Borough.

4.—No re-appointment shall be necessary of Officers or persons appointed by the Commissioners or Town Council under the said Local Acts, but such Officers shall act, and all Securities given by them shall continue in force, as if the Appointments had been made and the Securities given under the said Public Health Act and the Local Government Act, and all powers under any of the parts of the said Local Acts not repealed by any Act of Parliament confirming this Order may be exercised in the manner directed by the Public Health Act, 1848, and the Local Government Act, 1858, for the exercise of powers under those Acts respectively, and the provisions of the said last-mentioned Acts shall extend and apply to matters arising under the unrepealed parts of the said Local Acts; and the said Public Health Act and Local Government Act shall be incorporated with the unrepealed parts of the said Local Acts, and the purposes of the said unrepealed parts shall be taken and deemed to be purposes of the said Public Health Act and Local Government Act.

Given under my hand this Twenty-fourth day of April 1861.

(Signed) G. C. Lewis.

SCHEDULE to which this Order refers.

The parts of the Local Act 6 Geo. 4. c. 179., herein-before referred to in this Order, to be repealed, are as follow, that is to say:

The Sections numbered respectively in the copies of the said Act of the 6 Geo. 4. printed by the King's Printers, viz.:—Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 50, 53, 54, 55, 56, 57, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 79, 80, 81, 83, 84, 85, 86, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 119, 120, 121, 122, 123, 124, 125, 126, 127, 132, 133, 134, 135, 136, 137, 138, 161, 188, 189, 193, 195 (except as relates to boats and bathing machines), and 196 (except as relates to boatmen and boats).

## EAST COWES.

*Provisional Order repealing a Local Act in force within the District of the East Cowes Local Board.—Local Government Act,* 1858.

Whereas the Local Board for the District of East Cowes in the Isle of Wight, in which District the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to the Right Honourable Sir George Cornewall Lewis, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of Parliament in force within the Isle of Wight aforesaid, so far as such Act affects the said District of East Cowes, the said Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Twenty-third year of the reign of King George the Third, intituled "An Act for amending the Roads and Highways in the Isle of Wight."

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such order can be valid without the confirmation of Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said Local Act shall be repealed so far as such Act affects the District of the aforesaid Local Board of East Cowes.

Given under my Hand this Twenty-fourth day of April 1861.

(Signed) G. C. Lewis.

---

## PRESTON.

*Provisional Order for repealing and altering parts of a Local Act in force within the District of Preston; for extending the Borrowing Powers of the Preston Local Board of Health; for extending the Time for paying off Sums borrowed by such Board; and for other Purposes.—Local Government Act,* 1858, *Sect.* 78.

Whereas the Public Health Act, 1848, has been duly applied to the Borough of Preston in the County of Lancaster, and the said Act and the Local Government Act, 1858, are respectively in force within and for the District of Preston aforesaid.

And whereas the said Local Board of Health received authority from the General Board of Health, under the Public Health Act, 1848, to borrow a sum of 55,000*l.* on mortgage of the Special District Rates of the Township of Preston, which Township forms a portion of the aforesaid District, and have

have borrowed under such authority sums amounting in the whole to 34,850*l.* for the Main Drainage of such Township, and the remaining portion of the first herein-before mentioned sum of 55,000*l.* will be required to complete such works.

And whereas also, under the herein-before recited Acts, the said Local Board must repay the money borrowed for such works, with all interest thereon, within a period of thirty years from the date of the borrowing of such money.

And whereas the said Local Board of Health have further borrowed, on mortgage of the Rates authorized to be made under the Preston Waterworks Act, 1853, the sum of 135,225*l.* to defray the cost of purchasing from the Preston Waterworks Company their undertaking, and the further sum of 80,000*l.*, that being the full amount, above and exclusive of the herein-before mentioned purchase money, which the said Local Board are authorized to borrow under the Preston Waterworks Act aforesaid.

And whereas by that Act the said Local Board are required, in order to pay off any monies borrowed under it, to set aside in every year, from and after the expiration of five years from the passing of such Act, not less than 1,600*l.* as a sinking fund to be applied in paying off such monies.

And whereas the said several sums borrowed under the said Preston Waterworks Act are not sufficient to enable the said Local Board of Health to complete the Works necessary for supplying the said Borough with water, and a further sum will be required for the completion of such Works; but such further sum, with that already borrowed under the authority of the said Act, and under the authority of the Public Health Act, 1848, exceed the amount authorized to be borrowed by the several herein-before recited Acts.

And whereas the said Local Board have now, under the authority of the 78th section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, that the time allowed for the repayment of loans borrowed or to be borrowed on account of the Main Drainage Works within the aforesaid district of Preston may be extended from thirty to fifty years; that the time provided and fixed by the Preston Waterworks Act, 1853, (sec. 56,) for the commencement of a sinking fund to be applied under the provisions of that Act in paying off the money borrowed or to be borrowed on account of the waterworks of the aforesaid District, may be extended; and that the said Local Board may be empowered to borrow (for the completion of the Works for supplying water to such District), on mortgage of the Waterworks and Water Rates under the provisions of the Preston Waterworks Act, 1853, and of the rates leviable by the Preston Local Board of Health under the powers of the Public Health Act, 1848, and of the Local Government Act, 1858, such further sum or sums of money as, together with the amount already borrowed under the said several Acts, shall not exceed in the whole two years assessable value of the premises assessable within the District in respect of which such further sum or sums may be borrowed.

And whereas, after due inquiry and report by William Ranger esquire, the inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted; but the same cannot be done without the consent of Parliament.

Now,

Now, therefore, in pursuance of the powers now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order—

1.—The Local Board of Health for the District of Preston aforesaid shall have power and authority to borrow or to reborrow for the completion of the works for supplying water to that District, and on mortgage of their Waterworks and of the Rates leviable under the authority of the Preston Waterworks Act, 1853, and of the Public Health Act, 1848, and Local Government Act, 1858, such a sum or sums of money as shall not, together with the amount already borrowed, exceed in the whole two years assessable value of the premises within the District in respect of which such sum or sums may be so borrowed or reborrowed; the said borrowing or reborrowing of such further sum or sums of money for the completion of such works being subject to the provisions of the Local Government Act, 1858, and of the Preston Waterworks Act, 1853, in respect to the borrowing of money on security of the Rates leviable under such Acts.

2.—The period within which the Preston Local Board of Health should, under the Provisions of the Public Health Act, 1848, and of the Local Government Act, 1858, repay the amount borrowed or to be borrowed by them on security of the rates leviable under the said Acts, to defray the cost of the Main Drainage Works executed by them within such District, be extended from thirty years to a period of fifty years from the date of the borrowing thereof, within which period of fifty years such amount borrowed for the execution of such Main Drainage Works shall, with all interest thereon, be repaid.

3.—Section 56 of the Preston Waterworks Act, 1853, be repealed, so far as it fixes the date at which the said Local Board of Health shall commence setting aside an annual sum to provide a sinking fund for the purposes therein set forth, and that in order to pay off the monies borrowed under the authority of the said Act, such Local Board of Health shall, in every year after the expiration of seven years from the passing of the Act confirming this Order, set apart not less than one thousand six hundred pounds as a sinking fund, for the purposes and in the manner set forth in the aforesaid fifty-sixth section of the said Preston Waterworks Act.

Given under my hand this Twenty-fourth day of April 1861.

(Signed) G. C. Lewis.

## MORPETH.

*Provisional Order for altering the Boundaries of the District of Morpeth in the County of Northumberland, as constituted for the Purposes of the Public Health Act,* 1848.—*Local Government Act,* 1858.

Whereas, by a Provisional Order of the General Board of Health, bearing date the Twenty-sixth day of May 1851, confirmed by the Public Health Supple-

Supplemental Act, 1851 (No. 2), the Public Health Act, 1848, was duly applied to the Parliamentary Borough of Morpeth in the County of Northumberland.

And whereas a petition has been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the Provisions of the 77th Section of the Local Government Act, 1858, and duly signed by a majority of the owners and ratepayers in the Parish of Bedlington, which forms part of the District of Morpeth under the Public Health Act, 1848, praying for an alteration of the boundaries of the said District of Morpeth, by the separation of the Parish of Bedlington from such District as it was constituted under the herein-before recited Provisional Order, and the Act confirming the same.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition, and report has been made to me thereon by William Ranger esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The District of the aforesaid Local Board of Health for Morpeth in the County of Northumberland, constituted as herein-before described for the purposes of the Public Health Act, 1848, be altered by so much of the aforesaid District as is comprised within the Parish of Bedlington in the County of Northumberland, being excluded from the District of the aforesaid Local Board of Health.

2.—At every election of members of the Local Board of Health aforesaid which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District as altered by this Order, and by the votes of owners of, and ratepayers in respect of, property situate within the district so constituted.

Given under my Hand this Third day of May 1861.

(Signed) G. C. Lewis.

---

## BROMSGROVE.

*Provisional Order for altering the Boundaries of the District of Bromsgrove in the County of Worcester, under the Loca Government Act,* 1858.—*Local Government Act,* 1858.

Whereas the Local Government Act, 1858, was, on the Fourteenth day of October 1859, duly adopted within the Parish of Bromsgrove in the County of Worcester by the Commissioners acting under and by virtue of the Bromsgrove Improvement and Small Tenement Act, 1846; and whereas the

aforesaid Local Government Act, 1858, has had the force of law within such Parish from and after the Fourteenth day of December 1859.

And whereas a Petition has been duly presented to me as one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th section of the Local Government Act, 1858, signed by owners and ratepayers of that part of the Parish of Bromsgrove in the County of Worcester which is not comprised within the limits of the Town of Bromsgrove, as described and defined in the Bromsgrove Improvement and Small Tenement Act, 1846 (9 & 10 Vict. c. 124), praying that such part of the said Parish may be separated from the District of the Bromsgrove Local Board; or, otherwise, that the Local Board for carrying into effect the last herein-before mentioned Act may be so constituted that the owners of property without the Town District may be enabled to vote in the election of such Board, that the scales of votes and method of voting prescribed in the Public Health Act, 1848, may be employed in such election, and that the qualifications of voters and commissioners may be those prescribed in the said Public Health Act, 1848.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and held in the said District in respect of the several matters mentioned in the said Petition, and report has been made to me thereon by Henry Austin esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

All that portion of the district of Bromsgrove in the County of Worcester, under and for the purposes of the Local Government Act, 1858, which is not comprised within the limits of the Town of Bromsgrove, as such limits are defined in the 64th Section of the herein-before recited Bromsgrove Improvement and Small Tenement Act, 1846, (9 & 10 Vict. c. 124,) shall be separated from the said District, and the District of Bromsgrove, under the Local Government Act, 1858, shall be confined within the limits of the Town of Bromsgrove, as the same are defined by the herein-before recited Bromsgrove Improvement and Small Tenement Act, 1846.

2.—The Local Board for the time being for the District of Bromsgrove shall be the Local Board for the District as altered by this Order and the Act of Parliament confirming the same.

Given under my Hand this Twenty-fourth day of April 1861.

(Signed) G. C. Lewis.

---

DURHAM.

*Local Government Supplemental.*

DURHAM.

*Provisional Order putting in force the Lands Clauses Consolidation Act,* 1845, *within the District of the Durham Local Board of Health, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Citizens of the City of Durham and Framwellgate, by the Council of the said City, being the Local Board of Health in and for the District of the said City, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, confirmed by the Public Health Supplemental Act, 1849, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of widening, opening, enlarging, and improving certain streets and highways in the said City, such land and buildings being all situate within the District of the said Local Board.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order,—

1.—The Mayor, Aldermen, and Citizens of the City of Durham and Framwellgate, by the Council of the said City, being the Local Board of Health for the District of that City, shall be empowered to put in force, with reference to the land referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement; provided always that nothing in this Order contained shall authorize the aforesaid Local Board of Health to interfere with the Public Highway now existing between Elvet Bridge Street and Sadler Street in the said city.

Given under my Hand this twenty-ninth day of April 1861.

(Signed) G. C. Lewis.

SCHE-

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken, as described on the following Order, are the following:—

A messuage, dwelling-house, shop, cellar, and premises, with the appurtenances, situate, standing, and being between the street called Sadler Street and Elvet Bridge, at the junction of the said streets, all in the parish of St. Nicholas in the said city of Durham, and which said messuage, dwelling-house, shop, cellar, and premises belong to George Bailes, and are now occupied by the said George Bailes and George Bailes the younger.

And also a messuage, shop, dwelling-house, and premises with the appurtenances, situate in the said parish of Saint Nicholas, fronting the street of Elvet Bridge, and adjoining the said last described messuage, dwelling-house, shop, cellar, and premises, and which said messuage, shop, dwelling-house, and premises belong to the said George Bailes, and are now occupied by Barbara Brown as tenant thereof.

And also, a messuage, shop, and premises, with the appurtenances thereunto belonging, situate in the parish of Saint Nicholas, on the level with the said street of Sadler Street, and perpendicularly above the premises lastly described, and underneath a portion of the premises firstly before-mentioned, and extending from the last-named street to Elvet Bridge aforesaid, and having a floor area of 22½ yards but no ground area, and which said premises belong to Michael Bailes, George Bailes the younger, and Thomas Bailes, and are now in the occupation of the said Thomas Bailes.

And also, all that messuage, dwelling-house, shop, cellar, warehouse, and premises, with the appurtenances, lying between Sadler Street and Elvet Bridge, in the said parish of Saint Nicholas, belonging to the said Local Board of Health, the said shop, warehouse, or cellar, being now in the occupation of William Alexander Malcolm, and the remainder unoccupied, which said premises adjoin on the south side of the hereditaments and premises belonging to the said George Bailes, Michael Bailes, George Bailes the younger, and Thomas Bailes.

And also, all that piece or parcel of land, with the stairs or steps thereon, with their appurtenances, situate in the said parish of Saint Nicholas, commonly known by the name of the Magdalen Stairs, otherwise Maudlin Stairs, or Steps; and which said piece or parcel of land and stairs are now vested in the said Local Board of Health, and are used as a public road, way, or passage from the said street of Sadler Street to the street of Elvet Bridge, nd abuts on the north side thereof on the premises lastly before mentioned.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

was ever made against any of the said Awards, whereby the said Awards have now become absolute and indefeasible: And whereas both before and since the passing of the said Act the Gales of Coal and Iron in the said Forest and Hundred have been granted without any Limitation or Declaration of the Estate or Interest of the Galee, or Words of Inheritance, (but with Power under the Act to transfer the same,) and by reason of such Omission Doubts might be entertained whether Grants of Gales conferred more than Estates for Life or for some other partial Interest; but inasmuch as it has been commonly supposed that such Grants enured for the Benefit of the Galees, their Heirs and Assigns, so long as the Mine, Vein, or Work galed or granted remained unexhausted, and the Galees, their Heirs or Assigns, duly observed and performed the Conditions subject to which it was galed or granted, Her Majesty, being minded to quiet all Doubts on the Subject, is willing and has consented that the Rights or Interests of Galees should be defined and declared in accordance with the common Opinion aforesaid to the Extent and in manner herein-after contained: And whereas it is also expedient to alter and amend certain Parts of the said Act, and of the said Rules and Regulations made in pursuance thereof, and to make certain other Provisions with reference to the Mines and Quarries within the said Forest and Hundred: Be it enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Declaration of the Interest conferred on a Galee by the Grant of a Gale.

1. The Grant of a Gale of Coal or Iron, or of a Stone Quarry, shall be deemed to have conferred and shall confer on the Galee, his Heirs and Assigns, a Licence to work the Mine, Vein, or Pit therein comprised, and such Grant shall be deemed to have conferred on the Grantee, his Heirs and Assigns, an Interest of the Nature of Real Estate, such Licence nevertheless being conditional on the Payment of all the Rents, Royalties, and other Dues from Time to Time payable to Her Majesty, Her Heirs and Successors, in respect thereof, and the Observance and Performance of the several Enactments, Provisions, Rules, and Regulations for the Time being in force for the proper opening, working, Use, and Management of the Gale.

Conditions on which all Leases of Stone, Clay, or Sand are held.

2. Every Lease of Stone, Clay, or Sand granted or to be granted shall in like Manner be deemed to have been granted and to be granted conditionally on the Payment of all the Rents, Royalties, and other Dues from Time to Time payable to Her Majesty, Her Heirs and Successors, in respect thereof, and the Observance and Performance of the several Enactments, Provisions, Rules, and Regulations

tions

tions for the Time being in force for the proper opening, working, Use, and Management thereof, and of the Covenants in the Lease contained (if any).

Nothing in Act to affect Right of Re-entry, &c.

3. Provided always, That nothing in this Act contained shall enlarge or diminish or in anyway affect any Right of Re-entry or Eviction or Liability to Forfeiture; but every Gale, Pit, Level, Work, and Quarry shall be subject in all respects to the same Liability to Forfeiture and Eviction, and no other, as if this Act had not been passed.

Person in actual Possession or Receipt of Proceeds of Gale to pay the Rent.

4. The Obligation to pay the Rent, Royalty, and other Dues from Time to Time becoming payable in respect of every Gale of Coal, Iron, or Stone granted or to be granted, and to observe and perform the several Enactments, Provisions, Rules, and Regulations for the Time being in force for the proper opening, working, Use, and Management of the same, shall from Time to Time be and become a personal Obligation on the Person for the Time being in the actual Possession or Receipt of the Proceeds of the Gale, whether as Owner thereof for an Estate of Freehold, or as Lessee or Under-lessee or otherwise howsoever, and every such Person making default in the Payment of any such Rent, Royalty, or Due, or in the Observance or Performance of any such Enactment, Provision, Rule, or Regulation as aforesaid, may be proceeded against by or on behalf of Her Majesty, Her Heirs and Successors, in like Manner as if he had entered into a Covenant with Her Majesty, Her Heirs and Successors, to pay such Rent, Royalty, or other Due, and to observe and perform all such Enactments, Provisions, Rules, and Regulations: Provided nevertheless, that the Liability of every such Person shall cease and determine on the Cesser of such Title to the Possession or Receipt of Proceeds as aforesaid, except so far as shall relate to Rents, Royalties, or Payments due, and to Defaults in Observance or Performance of any of the said Enactments, Provisions, Rules, or Regulations committed before the Time of such Cesser of Title to Possession or Receipt of Proceeds: Provided also, that the Provisions in this Section shall be by way of Addition to and not substitutional for any Covenants, Conditions, or Stipulations in any Grant, and shall not extend to diminish or alter any Liabilities otherwise existing.

Empowering the Gaveller to sue in the County Court.

5. Any Rent, Royalty, and other Payment now due or which at any Time hereafter shall become due to Her Majesty, Her Heirs or Successors, under or in respect of the said Award, or any Gale, Lease, or Licence, or other Instrument granted or awarded under or in pursuance of the said Act or this Act, not exceeding in Amount the Sum of Fifty Pounds,, or any Number of such Rents, Royalties,

or

or other Payments due from the same Person or Persons in respect of any Number of such Gales, Leases, or Licences, not exceeding altogether the Amount aforesaid, may be sued for and recovered for and on behalf of Her Majesty, Her Heirs or Successors, by and in the Name of the Gaveller for the Time being in the County Court of the District within which such Rent, Royalty, or Payment, Rents, Royalties, or Payments, or any of them or any Part thereof, arose or became payable; and no Action commenced or continued by any Gaveller as aforesaid shall abate by reason of his Death, Removal, or Retirement, but shall and may be continued by and in the Name of his Successor for the Time being; and any Judgment for the Plaintiff in any such Action as aforesaid may be enforced by and in the Name of the Gaveller for the Time being, without any Process in the Nature of a Scire facias; and all Enactments, Rules, Orders, and Regulations for the Time being in force in respect of Proceedings in the County Courts shall and may, so far as the same shall be applicable to any such Action commenced or continued as aforesaid in the Name of any Gaveller, be applied to and observed in respect of any such Action.

Enlarging the Powers conferred by 25th Section of the recited Act as to Leases of Land for Mining Purposes.

6. Whereas under the Twenty-fifth Section of the said Act the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues have Power from Time to Time to grant Leases as therein mentioned for Terms not exceeding Thirty-one Years to any free Miner or other Person entitled to a Gale or Mining Work of any Part of the unenclosed Waste Land of the said Forest for the Purpose of erecting thereon any House, Building, or Machinery for the more convenient working of any Mine, or for any Purpose connected with any Mine or Work, so as there be not included more than One Acre and a Half of Land in any such Lease: Be it enacted, That henceforth any Quantity of Land, either at One Spot or in several Spots, not exceeding One Acre and a Half in the whole for a Quarry, and Six Acres in the whole for a Coal or Iron Mine, may be leased under the said Section, and any such Land may be leased to the Owner or Holder of any Quarry, as well as to the Owners or Holders of Mines, and in addition to the Purposes in the said Section mentioned, any such Lease may be granted generally for any Purposes connected with the convenient working of any Mine, Work, or Quarry, or Disposition or Manufacture of the Produce thereof, whether involving the Erection of any House, Building, Furnace, or Machinery or not, or for the Purpose of any Garden or any other Convenience to any House erected or to be erected on any Land so leased; and any such Lease may contain such Proviso and Agreement as may be agreed on between the Commissioners and the Lessee for the Renewal from Time to Time of such Lease so long as the Mine, Work,

Work, or Quarry in respect of which the Lease shall have been granted shall not have been worked out.

Provision as to the Days for the Cesser and Determination of the Galeage and other Rents.

7. Whereas by the Forty-sixth Section of the said Act it was enacted, that as regarded Gales, Pits, Levels, or Works then existing, the Galeage, Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs and Successors, should, at the End of Twenty-one Years from the making of the Award, and so on thereafter at the End of every subsequent Twenty-one Years, cease, if the Gaveller or Deputy Gaveller, or the Person or Persons entitled to such Gale, Pit, Level, or Work, should so elect, and as regarded Gales, Pits, Levels, or Works thereafter to be granted, the Galeage Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs or Successors, under or by virtue or in respect of any Gale thereafter to be granted should, at the End of Twenty-one Years, and so on thereafter at the End of every subsequent Twenty-one Years from the granting thereof, cease, if the said Gaveller or Deputy Gaveller, or the Person or Persons entitled to the said Gale, Pit, Level, or Work, should so elect, and that upon any such Cesser the Gaveller or Deputy Gaveller for the Time being should fix the Amount of the new Galeage Rent, Royalty, or Tonnage Duty to be paid for the Twenty-one Years then next ensuing, the Cesser and Determination of the former Galeage Rent, Royalty, or Tonnage Duty in manner by the said Act provided: And whereas by the said Award of the said Commissioners relating to Coal Mines, which was dated the Eighth Day of *March* One thousand eight hundred and forty-one as aforesaid, there were reserved and made payable to Her Majesty, Her Heirs and Successors, in respect of the said several Gales of Coal thereby awarded or confirmed up to *Midsummer* then next, the former Galeage Rents, and thenceforward the several Royalties or Tonnage Duties in the said Award specified payable on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, and also a Rent commonly called a Galeage or Dead Rent, payable on the Twenty-fourth Day of *June* in every Year; and by the said Award of the said Commissioners relating to Iron Mines, which was dated the Twentieth Day of *July* as aforesaid, there were reserved and made payable to Her Majesty, Her Heirs and Successors, in respect of the several Gales of Iron thereby awarded or confirmed up to *Christmas* then next, the former Galeage Rents, and thenceforward the several Royalties or Tonnage Duties in the same Award specified, payable on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, and also a Rent commonly called a Galeage or Dead Rent, payable on the Twenty-fifth Day of *December* in every Year: And whereas in or by the Gales as well of Coal as of Iron which have been granted since the making of the said

said Awards respectively the Royalty or Tonnage Duty thereby reserved has been made payable on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, and the Rent commonly called the Galeage or Dead Rent has been made payable on the Twenty-fourth Day of *June* in every Year in respect of Gales both of Coal and Iron, but few (if any) of such Gales have been granted on the Twenty-fourth Day of *June:* And whereas the said Act contains no express Provision as to the Galeage Rents, Royalties, or Tonnage Duties accruing between the said respective Days of Payment and the Days of such Cesser or Determination as aforesaid, and it is expedient to make some Provision respecting the same: Be it enacted, That in lieu of the Days mentioned in the said Act for such Cessers or Determinations as aforesaid, the Days for the same shall be in the Case of all Gales of Coal at the End of Twenty-one Years from the Twenty-fourth Day of *June* next following the Date of the Award or the Date of the Grant (as the Case may be), and in the Case of Gales of Iron Ore held under the Award at the End of Twenty-one Years from the Twenty-fifth Day of *December* next following the Date of the Award, and in the Case of Gales of Iron Ore granted since the Award at the End of Twenty-one Years from the Twenty-fourth Day of *June* next following the Date of the Grant, and so on thereafter at the End of every subsequent Twenty-one Years, and all new Galeage Rents, Royalties, or Tonnage Duties to be fixed as aforesaid, shall commence on such Cesser or Determination of the old Rents, Royalties, or Duties.

Extending Powers of the Arbitrator under 27th, 47th, and other Sections of the recited Act.

8. Whereas under the Twenty-seventh and Forty-seventh and other Sections of the said Act it is provided that in case the Amount and Nature of the new Galeage or other Rent, Royalty, or Tonnage Duty to become payable at the Expiration of every Term of Twenty-one Years as aforesaid should not be fixed and agreed on by the Parties as therein mentioned, the same should be referred to the Decision of an Arbitrator to be appointed by the Court of Exchequer in manner therein mentioned: And whereas it is probable that many of the Disputes which may arise as to the Amount and Nature of such new Rents, Royalties, or Dues as aforesaid, although relating to separate Gales, Quarries, or Works, may involve One common Principle only, and much unnecessary Delay and Expense might be avoided by referring all such Disputes at once to the same Arbitrator; and it is also advisable to facilitate the Appointment of such Arbitrator: Be it enacted, That the Powers given by the said Act to the Court of Exchequer may be exercised by any Judge of the said Court at Chambers, and that any Number of Disputes relating to the Nature and Amount of such new Rents, Royalties, or Duties as aforesaid, to become payable in respect of any Number of separate Gales, Quarries,

Quarries, or Works may, with the Consent of all Parties, be referred together to the Decision of One Arbitrator to be appointed as aforesaid, and may be determined and disposed of by such Arbitrator in and by One and the same Award, or (if he shall think fit) in and by Two or more separate Awards; and it shall be lawful for the Arbitrator in and by his Award or Awards, or One of them, to apportion in such Proportions and Manner as he shall think fit that Moiety of his Remuneration and of the Costs and Expenses attending the Arbitration, which by the said Act is not to be borne by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, amongst the several Persons other than the said Commissioners who shall have concurred in such united Reference as aforesaid.

Power to Gaveller or Deputy Gaveller to refuse the Registry of any Transfer until the Rent has been paid.

**9.** In case any Rent, Royalty, or other Payment shall be due to Her Majesty, Her Heirs or Successors, in respect of any Gale, Quarry, or Work at the Time when a Transfer of the Gale or Lease thereof shall be brought to the Office of the Gaveller or Deputy Gaveller for Registration, as by the said Act required, it shall be lawful for the Gaveller or Deputy Gaveller, if he shall think fit, to refuse to register such Transfer until the whole of such Rent, Royalty, or other Payment shall have been paid and satisfied; and in order that intending Purchasers of any Gale or Lease may be able to ascertain whether any such Rents, Royalties, or other Payments are in arrear, the Gaveller or Deputy Gaveller shall at all reasonable Times, and without Fee or Reward, give to any Person who may apply for the same a Statement of the Amount of Rent, Royalty, or other Payments then due in respect of any Gale or Lease, or a Certificate that no such Rent, Royalty, or other Payment is due, and any such Statement or Certificate shall be conclusive as between Her Majesty, Her Heirs and Successors, and such intending Purchaser, but not for any other Purpose.

As to the Form of Minute of Registry.

**10.** For the more convenient and orderly Registration of Transfers of Gales or Leases, as by the said Act required, be it enacted, That the Minute or Docket to be brought for Registration shall be in the Form given in the Schedule to this Act, or as near thereto as Circumstances will admit of.

Power to refuse the Registry of any Transfer which is imperfect.

**11.** In all Cases where a Transfer or Devolution of any Gale or Lease as aforesaid has been or shall have been effected, or has taken or shall have taken place by Will or Descent, or in any other Manner than by a Deed requiring Registration under the said Act, the Gaveller or Deputy Gaveller shall be at liberty to refuse to register any subsequent Transfer thereof, unless the Deed effecting such subsequent Transfer

Transfer contained a Recital of the Circumstances under which such unregistered Transfer or Devolution took place.

Gaveller or Deputy Gaveller empowered to endorse Memorandum of Entry of Transfer on the last preceding Transfer instead of upon the original Certificate of the Grant of a Gale.

**12.** Whereas by the Fifty-eighth Section of the said Act it is enacted, that upon the Entry of all Minutes or Dockets of Transfers of Gales in the Books of the Gaveller or Deputy Gaveller, the Gaveller or Deputy Gaveller shall endorse and sign a Memorandum of such Entry and the Date thereof on such Transfer, or in the Case of an Assignment of a Gale granted after the passing of the said Act on the original Certificate of the Grant thereof: And whereas in some Cases such original Certificates have become covered with such Memorandums of Transfer, so that there is no Room for further Memorandums, and others may hereafter become so covered; and other such original Certificates have been or may be lost or accidentally destroyed, and it is expedient that the Gaveller or Deputy Gaveller should have Power in such and similar Cases to endorse such Memorandums as aforesaid on the last preceding Transfer instead of on the original Certificate: Be it enacted, That it shall be lawful for the Gaveller or Deputy Gaveller, if under the Circumstances of any Case he shall deem it fit or expedient so to do, to endorse the Memorandum in the said Fifty-eighth Section of the said Act mentioned on the then last preceding Transfer of a Gale instead of on the original Certificate of the Grant thereof.

Provision as to Fee for Entry of Minute of Transfer.

**13.** In lieu of the Fee in the said Fifty-eighth Section of the said Act mentioned, the Fee for the Entry of every Minute or Docket entered after the passing of this Act shall be, if the same shall not exceed Five Folios of Seventy-two Words each, the Sum of Two Shillings and Sixpence, and if the same shall exceed Five Folios but not exceed Ten Folios, the Sum of Five Shillings, and if the same shall exceed Ten Folios, then the Sum of Five Shillings, with an additional Sum of Fourpence for every Folio or Part of a Folio above Ten.

All unregistered Transfers to be void.

**14.** All Transfers requiring Registration under the said Act shall in default of such Registration be void, subject nevertheless and without Prejudice to the Power of making Entries *nunc pro tunc*, provided by the Fifty-ninth Section of the said Act.

Empowering the Commissioners of Woods to grant Licences to sink Pits and to use or

**15.** Whereas under the Sixty-fifth Section of the said Act the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues have Power (if they in their Discretion shall see fit) to grant Licences to such Person or Persons as they may think proper for sinking Air Shafts in any Inclosures belonging to Her Majesty, Her Heirs and Successors, and for forming any Railroad or Tramroad

Tramroad along or across any of such Inclosures, subject nevertheless to the Conditions, Restrictions, and Provisoes in the said Section contained or referred to: Be it enacted, That the Power in the said Section contained shall also extend to the Grant of Licences to sink or open and work and use any Pits, Shafts, or Levels for any Purpose, and to make Roads other than Railroads or Tramroads therein, and to the Grant of Licences to use any Rights of Way or Water, or of Outstroke or Instroke, and any other Easements, Privileges, or Conveniences whatsoever for the more convenient Use, Working, Enjoyment, or Disposal of the Produce of any Gale, Quarry, or Work; and any such Right, Privilege, or Easement as in the said Sixty-fifth Section of the said Act or in this Section mentioned, may be granted in, upon, through, or under any of the Waste Lands or any of the inclosed Lands belonging to Her Majesty, Her Heirs or Successors, within the said Forest, or under any Mine, Quarry, Land, or Work comprised in any existing Gale, Lease, or Grant: Provided nevertheless, that the Grantee of any such Licence as in this Section mentioned or referred to shall do as little Damage in the Use or Enjoyment of such Rights, Privileges, or Easements as reasonably may be, and shall pay to all Persons damaged or injured a reasonable Compensation for all Damage or Injury done or occasioned in or by the Use or Enjoyment thereof, the Amount whereof in case the Parties shall differ shall be settled by Arbitration, as provided in the Rules and Regulations comprised in the said Awards, and also that any such Grantee or Licencee, his Heirs, Executors, or Administrators, shall as soon as reasonably may be after he or they shall have ceased to use or to require any such Right, Privilege, or Easement, shall at his and their own Costs and Charges well and effectually level, fill up, arch over, or otherwise make good and restore to their former Condition, to the Satisfaction of the Gaveller or Deputy Gaveller, all the Places in or over which he or they may have exercised any such Right, Privilege, or Easement as aforesaid, unless required by the Gaveller or Deputy Gaveller to leave the same in their then present Condition; and every such Grant or Licence as in this Section or the said Sixty-fifth Section of the said Act mentioned shall be deemed to be conditional on the due Observance and Performance of all the Conditions, Restrictions, Regulations, and Provisoes, and Payment of all the Rents or Reservations under and subject to which the same shall be granted.

exercise other Rights and Easements, &c. in Inclosures and other Lands in the Forest.

**16.** And whereas the Provisions of the Sixty-eighth Section of the said Act, as to the Compensation to be paid by every Free Miner or other Person entitled to any Gale, Pit, Level, or Work within any inclosed Lands of the said Hundred for Surface Damage, require Amendment, and it is expedient to amend the same in manner hereinafter provided: Be it enacted, That, with respect to any Damage done

Varying the Powers of the Gaveller as to awarding Compensation for Surface Damage to inclosed Lands.

done after the passing of this Act, it shall be lawful for the Gaveller or Deputy Gaveller for the Time being to determine whether such Compensation shall consist of an annual Payment or a Sum in gross, or partly of the one and partly of the other, and either absolutely or on Condition, and to make such Order in reference thereto and as to the Payment of or the giving Security for the Payment of the same or any Part thereof respectively as he shall think just and expedient, and to assess such Compensation notwithstanding any such Gale, Pit, Level, or Work may have been previously actually opened and worked; and that no Action or Suit for Recovery of such Compensation or of Damages in lieu thereof, shall be commenced or instituted until the Award of the Gaveller or Deputy Gaveller shall have been made on such an Application.

Commissioners of Woods may grant Leases of any Clay or Sand which may be found in any Mine or Pit.

17. Whereas by the Eighty-fourth Section of the said Act the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues have Power to grant Leases to any Person or Persons for any Term not exceeding Twenty-one Years, to dig and get Clay or Sand off and from any of the Open or Waste Lands of the said Forest, subject to such Rents or Duties, Covenants, Conditions, and Provisoes as in the said Section are mentioned or referred to: Be it declared and enacted, That the said Section shall extend to empower the said Commissioners for the Time being to grant such Leases as therein mentioned of any Clay or Sand which may be found in any Pit, Level, Quarry, or Work, to the Person or Persons entitled to such Gale, Pit, Level, Quarry, or Work; and also to grant such Leases as in the said Section are mentioned of any Part or Parts of the Open or Waste Lands of the said Forest, for the Purpose of erecting Kilns and other Works and Buildings for the Manufacture and Burning of any Clay, already leased or to be leased under the said Section or this present Section, into Bricks or Tiles: Provided that the Leases granted under this Clause, of any Clay or Sand which may be found in any Gale, Pit, Level, Quarry, or Work, shall enure only to the Benefit of the Person or Persons for the Time being entitled to such Gale, Pit, Level, Quarry, or Work, so that the Right of working Clay or Sand, and the Right of working the Gale, Pit, Level, Quarry, or Work, shall always be vested in the same Person or Persons.

Varying the Third Rule relating to Surrender of Quarries by substituting Michaelmas Day for Lady Day.

18. Whereas by Number Three of the Rules and Regulations relating to Quarries made by the Commissioners appointed by the said Act as aforesaid, it was provided that all Persons then holding One or more Gale or Gales of Stone Quarry or Quarries, as ascertained by the said Award, should be at liberty to give up all or any of such Gales at *Lady Day* in any Year after the Date thereof, upon giving Three

Three Months previous Notice in Writing to the Gaveller or Deputy Gaveller as therein mentioned: And whereas in the Leases of Stone Quarries which have been granted under the Eighty-third Section of the said Act, there has been commonly contained a Proviso that it shall be lawful for the Lessee to determine the Lease at *Michaelmas* in any Year on giving Six Months Notice; and also a Covenant or Declaration that the Lease was granted subject to the Rules and Regulations contained in the said Award, which last-mentioned Covenant or Declaration is not consistent with the Third Rule herein-before mentioned: Be it enacted, That the said Third Rule shall be varied as regards all Surrenders for which Notice shall not have been given before the passing of this Act, by substituting therein *Michaelmas Day* for *Lady Day*, and that the aforesaid Provisoes contained in Leases of Quarries granted as aforesaid shall be deemed valid and effectual notwithstanding such Inconsistency with the said Rule as aforesaid.

All Gales of Coal or Iron Mines, and all Gales or Leases of Quarries determined by Notice to be void without any Deed, Surrender, or other Act.

**19.** Whereas by Number Six of the Rules and Regulations relating to Coal Mines and to Iron Mines respectively made by the said Commissioners as aforesaid it is provided, that all Persons then or at any Time thereafter holding One or more Gale or Gales of any Mine or Mines of Coal and Iron Ore respectively, should be at liberty to give up all or any of such Gales on giving such Notice in Writing to the Gaveller or Deputy Gaveller as therein mentioned: Now be it enacted and declared, That all Gales of Coal or Iron Ore, and also all Gales or Leases of Quarries which have been or shall be surrendered or given up under the said Rules mentioned in this and the last preceding Section (as varied by this present Act), did and shall on the Expiration of the Notice required as aforesaid become absolutely void, without any Deed or any further Surrender or other Act by the Galee or by any other Person, except only so far as related or shall relate to the Rights and Powers of Her Majesty, Her Heirs or Successors, for the Recovery of any Rents, Royalties, or other Payments due in respect or by reason of such surrendered Gale.

Surrenders other than by Notice may be made and accepted by the Gaveller on behalf of Her Majesty.

**20.** With regard to the Surrender of Gales and Leases other than the Surrenders mentioned or referred to in the last preceding Two Sections, be it enacted and declared, That in addition to the Rights or Powers of Surrender specified in the Rules and Regulations contained in the said Awards, any Gale, Quarry, or Work, whether comprised in the said Awards or subsequently granted or leased or hereafter to be granted or leased, and any Land granted or leased or hereafter to be granted or leased in connexion with any Gale, Quarry, or Work, may be lawfully surrendered to Her Majesty, Her Heirs and Successors, if Her Majesty, Her Heirs or Successors, shall think

think fit to accept the same, and any such Surrender may be accepted by the Gaveller for and on behalf of Her Majesty, Her Heirs and Successors, on such Terms and Conditions as he shall think expedient and proper, whether such Terms and Conditions shall be in accordance with the said Rules and Regulations contained in the said Awards or not; and every such Surrender shall be registered in the same Manner as Transfers of Gales or Leases, but shall be valid and effectual, whether registered or not; and that all such Surrenders as in this Section mentioned heretofore made to and accepted by or on behalf of Her Majesty (whether registered or not) are and were valid and effectual; and further, that all Gales, Quarries, Land, and Works surrendered or to be surrendered as aforesaid, from and immediately after the Completion of such Surrender, were and became or shall be deemed to be or to have been Gales, Quarries, Land, or Works ungaled or unleased.

Gaveller or Deputy Gaveller, with Consent of Owners, may unite or divide Two or more Gales or Parts of Gales, and regrant them to the Persons entitled after Surrender duly made.

**21.** In case the Owner or Owners of any existing or future Gale of Coal, Iron, or Stone shall be desirous to have the same divided into Two or more Parts, and to hold such several Parts either as separate Gales or as Parts of other Gales, it shall be lawful for the Gaveller or Deputy Gaveller, if he shall think fit, notwithstanding anything in the Sixtieth or any other Section of the said Act or in the said Awards contained, to effect such Division by granting new Gales to any Person or Persons who shall or may surrender any Gale for that Purpose, provided that the whole of the original Gale be comprised in every such Surrender, and be immediately regranted as aforesaid: Provided also, that on any such Regrant it shall be lawful for the Gaveller to reserve such Galeage and other Rents, Royalties, and other Payments, and to make such Conditions and Reservations as he shall deem necessary to prevent any Loss or Detriment to Her Majesty, Her Heirs or Successors, by reason of such Division.

All Instruments already made or hereafter to be made by or on behalf of Her Majesty in relation to the Forest or Hundred to be exempt from Stamp Duty.

**22.** Whereas by the Seventy-seventh Section of the Act of the Tenth Year of King *George* the Fourth, Chapter Fifty, it is provided that no Memorandum, Contract, or Agreement to be made or entered into by or with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, under the Powers and Provisions of that Act, for the Sale, Purchase, or Exchange of any Hereditaments by the said Commissioners, nor any Deed, Receipt, or other Instrument which shall be given, granted, entered into, executed, or made for the Purpose of carrying into effect any Sale, Purchase, or Exchange to be made by the said Commissioners under the Powers and Authorities of the said Act, or which shall be incidental to or connected with any such Purchase, Sale, or Exchange, nor any Grant by the said Commissioners under the Authority of the said

said Act, nor any Lease, or Contract or Agreement for any Lease, nor any Counterpart of any Lease to be entered into, made, executed, or granted under the Powers and Authorities of the said Act, nor any Appointment of Officers to be made by the said Commissioners under the Authority of the said Act, nor any Certificate for any Gamekeeper appointed or to be appointed under the Authority of the said Act, nor any Bond to be given by or for any Receiver or other Officer or Agent, from whom any Security may be required by the said Commissioners, shall be subject to any *ad valorem* or other Stamp Duty whatsoever imposed by any Act or Acts then in force, nor to any *ad valorem* or other Stamp Duty to be imposed by any future Act or Acts, unless the same shall be specially subjected thereto in and by such future Act or Acts: Now be it enacted and declared, That all and singular the Exemptions from Stamp Duty conferred by the said Act as aforesaid, did and shall extend to all Grants of Gales and other Grants, Leases, Licences, Surrenders, Contracts, Agreements, Appointments, Certificates, Awards, and Bonds already made, granted, accepted, or entered into, or hereafter to be made, granted, accepted, or entered into, by, with, or to Her Majesty, Her Heirs and Successors, or the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, or the Gaveller or Deputy Gaveller for the Time being, on behalf of Her Majesty, in relation to the Hereditary Possessions and Land Revenues of Her Majesty within the said Forest of *Dean* or Hundred of *Saint Briavels*.

**Gaveller or Deputy Gaveller to settle any Disputes as to Boundaries, and to alter (with Consent of Owners) the Boundaries of any adjoining Gales.**

**23.** Whereas by Number Twenty-one of the said Rules and Regulations relating to Coal Mines, and Number Nineteen of the said Rules and Regulations relating to Iron Mines, Power is given to the Gaveller or Deputy Gaveller to settle Disputes respecting the Position of any Workings in manner therein mentioned, in all Cases where the Boundary of any Tract of Coal or Iron Ore is defined by the Workings of another Tract of Coal or Iron Ore: Be it enacted, That the Gaveller or Deputy Gaveller (if he shall think fit) may, with the Consent of the Owner or Owners of any adjoining Gales or Workings of Coal or Iron Ore, alter the Boundary between such adjoining Gales or Workings; and for the Purposes of this Section, Gales or Workings divided only by a Barrier which has been directed to be left unworked shall be deemed adjoining Gales or Workings.

**Power to the Gaveller or Deputy Gaveller to license the working and disposing of the Coal in any Barrier.**

**24.** In all Cases where, either under the Award made as aforesaid or under any Gale granted or to be granted, the Boundary of any Gale or Vein of Coal is or shall be declared to be a Barrier of Coal lying between such Gale or Vein and any adjoining Gale, Vein, or Work, or the Galee shall be directed to leave such a Barrier, it shall be lawful

lawful for the Gaveller or Deputy Gaveller, whenever he shall consider that the Coal contained in such Barrier or any Part thereof may be safely and properly worked and got, to grant to the Owners of the several Gales or Works on the Two Sides of such Barrier, or to the Owner of the Gale or Work for the Protection of which such Barrier was in the Opinion of the Deputy Gaveller left, Licence to work, win, and dispose of all or any Part of the Coal in such Barrier, subject nevertheless to the like Royalties, Payments, Conditions, Rules, and Regulations as the Remainder of the Coal in the Gale to the Owner whereof such Licence is granted is or shall be subject to, and to such other Conditions, Rules, and Regulations as the Gaveller shall think proper to impose, and thereupon such Coal so permitted to be worked shall be deemed to be Part of the Mine or Work originally awarded or galed to such Owner or to those through whom he claims: Provided that no Grant shall be made under the Provisions of this Clause until Notice of the Intention to make the same shall have been published during Three successive Weeks in a Newspaper circulating in the Forest of *Dean*, and all Persons who before the Expiration of a Week from the Publication of the last of such Notices shall have claimed to be Persons who would be affected by any such Grant shall be heard by themselves, their Counsel, Agents, and Witnesses, on such Day as the Gaveller or Deputy Gaveller shall have appointed or may appoint for that Purpose.

Explaining the Provisions of the 10 G. 4. c. 50. and 1 & 2 Vict. c. 42. as to Trespasses in the Forest.

**25.** Whereas under the Provisions of the said Act of the Tenth Year of King *George* the Fourth, Chapter Fifty, and the Act of the First and Second Years of Her present Majesty, Chapter Forty-two, intituled *An Act to empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to confirm the Titles to and to grant Leases of Encroachments in the Forest of* Dean *in the County of* Gloucester, the Verderers of the said Forest of *Dean* have Powers to inquire into all unlawful Inclosures, Trespasses, and Encroachments within the said Forest, and to proceed against Persons guilty of the same, but Doubts have been entertained as to the Nature of the Trespasses comprised within the said Provisions: Be it enacted and declared, That the Provisions now in force under and by virtue of the said Acts or either of them relating to Trespasses within the said Forest of *Dean*, and the Punishment thereof, did and shall extend to all Cases of Trespass by cutting, taking, or carrying away of Turf, Gravel, Stone, Sand, or other Soil within the said Forest, in addition to all other Trespasses within the Purview of the said Acts or either of them.

Provision as to Woodmen's or

**26.** Whereas in the Inclosures made or to be made in the said Forest under the Authority of the several Acts of Parliament relating thereto,

thereto, small Portions of Land have been and may be appropriated by the Crown for Cottages and Buildings for Woodmen or Labourers with Gardens attached thereto, and it may not be expedient that such small Portions of Land should in all Cases be liable to be thrown open with the rest of the Inclosures in which they are situate: Be it enacted, That notwithstanding anything in the said Acts or any of them contained, Cottages or Buildings erected or to be erected for Woodmen in any Inclosure within the said Forest, and the Sites thereof, with a Garden and Orchard attached to each of such Cottages not exceeding in each Case Two Acres in Extent, may, if and so long as the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall think fit, remain and be held in severalty in the actual Possession of the Crown freed and discharged from all Rights of Common and other Rights, Titles, or Claims whatsoever: Provided always, that the total Quantity of Land within the said Forest which Her Majesty, Her Heirs and Successors, are by the said Acts or any of them authorized to hold and keep inclosed and in severalty shall not be thereby increased.

Labourers Cottages in the Forest.

**27.** All Acts, Matters, and Things to be done or authorized to be done by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, in pursuance of this Act or of the said recited Acts or any of them, may be done by the Commissioner or other Officer for the Time being of Her Majesty in charge of the said Forest.

All Acts authorized to be done by Commissioners of Woods, &c. may be done by One.

**28.** The said Act of the First and Second Years of Her Majesty, Chapter Forty-three, and this Act, shall, so far as is practicable, be read and construed together as One Act, and the Rules and Regulations contained in the said Awards as varied by this Act shall be deemed applicable to the Provisions of this Act.

1 & 2 Vict. c. 43. and this Act to be construed as One.

## THE SCHEDULE.

A MEMORIAL to be registered of an Indenture bearing Date the Day of 18 , made between *A.B.* of, *&c.* of the one Part, and *C.D.* of, *&c.* of the other Part.

[*In the Case of a Transfer or Devolution of any Gale or Lease by Will or Descent, or in any other Manner than by a Deed requiring Registration under this Act, here recite the Circumstances under which such unregistered Transfer or Devolution took place*].

For the Considerations therein mentioned, [*transcribe Parcels*], with their Rights and Apurtenances, were conveyed [*or* assigned] unto and to the Use of the said *C.D.*, his Heirs and Assigns [*or* unto the said *C.D.*, his Executors, Administrators, and Assigns].

[*In case of a Mortgage*], "by way of Mortgage."

Which said Indenture as to the Execution thereof by the said *A.B.* and *C.D.* is witnessed by,

*W.Z.* of, *&c.*

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. XLI.

### An Act to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at *Chatham* in the County of *Kent*, and to embank Part of the River *Medway*; and for other Purposes connected therewith. [22d *July* 1861.]

WHEREAS it is expedient for Her Majesty's Service that Her Majesty's Dockyard at *Chatham* in the County of *Kent* should be enlarged, and for such Purpose that the Commissioners for executing the Office of Lord High Admiral of *Great Britain* and *Ireland* (herein-after styled the Commissioners) should have the Powers herein-after mentioned conferred upon them: And whereas Plans and Sections and a Book of Reference relating to the Enlargement of the said Yard and to the Embankments and Works herein-after referred to have been deposited with the Clerk of the Peace for the County of *Kent*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:



1. In

Interpretation of Terms.

1. In the Construction of this Act—

The Word "Ways" shall mean Turnpike Roads, Highways, Streets, Lanes, Occupation Roads or Ways, Footpaths, Causeways, Passages, and other Ways of every Kind soever:

The Word "Lands" shall include Lands, Messuages, Buildings, Tenements, Landing Places, Wharves, Fisheries, and Hereditaments of every Description and every Tenure, and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, and Hereditaments:

The Words "Special Act" in the Act incorporated herewith shall mean this Act, and the Words "Promoters of the Undertaking" and "Company" in the Act incorporated herewith shall mean the Commissioners:

The Word "Person" shall include a Body Corporate.

Certain Clauses of 8 & 9 Vict. c. 18. incorporated.

2. The several Provisions of "The Lands Clauses Consolidation Act, 1845," except Sections 11, 12, 13, 14, 16, 17., 123., 127, 128, 129, 130, 131, 132, 133, 134., 140., 148., 150, and 151. of such Act, shall, so far as the same Provisions may be respectively applicable to and not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act as if re-enacted herein, and shall be applicable to the Purposes hereof.

Power to Admiralty to purchase Lands.

3. Subject and according to the Provisions of this Act, it shall be lawful for the Commissioners, if they think fit, at any Time hereafter to purchase or take all or any of the Lands delineated on the said Plans and mentioned in the said Book of Reference so deposited with the Clerk of the Peace for the County of *Kent* as aforesaid, or any Estate, Lease, Term, Share, or Interest thereof or therein, and to vary or extinguish any Rights or Privileges connected with any of such Lands which they may at any Time consider requisite for the Enlargement or Improvement of the said Dockyard, or for the Purposes of this Act, and to enter into, execute, and make and do all such Contracts, Assurances, and Things as may seem to them necessary or proper in that Behalf, and when so purchased or taken the same Lands shall be and become and continue vested in the Commissioners and their Successors in Office for the Time being, according to the Nature and Quality thereof respectively, and to the Estate, Term, Share, or Interest acquired therein respectively by the Commissioners, to be held and enjoyed by the Commissioners for the Time being in succession in trust for Her Majesty, Her Heirs and Successors, for the

the Public Service, or as the Commissioners or their Successors in Office may at any Time or Times direct.

Power to the Commissioners to stop up Creeks and abolish Landing Places, Ferries, and Roads.

4. When the Commissioners shall have acquired or purchased in perpetuity the Fundus or Soil of *Saint Mary's Creek*, otherwise *Swinborough Creek*, in the Parishes of *Chatham* and *Gillingham*, or One of them, in the County of *Kent*, and of any other Creek or Inlet shown on the said Plans or One of them, and have compensated the Mayor and Aldermen and Company of Free Dredgers of the City of *Rochester* for the Destruction of the Fishery in the said Creeks, or any or either of them, it shall be lawful for the Commissioners, without any Writ being issued or other legal Proceeding being adopted, to embank and stop up both or either of the Ends of such Creeks, or of any or either of them, the Fundus or Soil of which shall have been so purchased or acquired, and in respect of which Compensation for the Destruction of the said Fishery shall have been made as aforesaid, and to reclaim the Fundus or Soil, and divert the Waters of such Creeks or any or either of them, and to abolish the Ferry across the River *Medway* from the Hard or Landing Place called *Prince's Bridge* to and from the opposite Shore of the said River at *Upnor*, and to stop up and abolish the Highway, Carriageway, and Footpath passing on the Outside of and adjacent to the Eastern and Northern Boundary Walls of Her Majesty's Dockyard at *Chatham*, extending from the Lower End of *Westcourt Street* in the Town of *Brompton* in the Parish of *Chatham* in the County of *Kent* to the said Hard or Landing Place called *Prince's Bridge*, and the Ends nearest the said Highway, Carriageway, and Footpath of all Ways leading into, across, or from the said Highway, Carriageway, and Footpath, passing on the Outside of or adjacent to the said Boundary Walls, and also all Ways over, through, or across any of the Lands acquired or to be acquired under the Provisions of this Act, and also to abolish the Hards or Landing Places at *Prince's Bridge* and *Gillingham Bridge*, and the Parish Wharf near thereto, or any or either of them, or any Part or Parts thereof; and the Fundus or Soil of the said Creeks and each of them, when so purchased or acquired respectively as aforesaid, and of the said Hards and Landing Places, and the Site and Soil of the said Highway, Carriageway, and Footpath, shall vest absolutely and exclusively in the Commissioners, as is herein provided with respect to Lands purchased, taken, or acquired by the Commissioners under this Act; and it shall be lawful for the Commissioners to make such Openings in the Embankments or Walls of the said Creeks, or any or either of them, at any Time or Times, as they the Commissioners may deem expedient for Her Majesty's Service.

5. Not-

Before abolishing certain existing Landing Places Admiralty to construct a public Wharf at Eastern Side of proposed new Boundary Wall of Dockyard.

5. Notwithstanding anything in this Act contained, the Commissioners shall, before abolishing the said Ferries or Landing Places called respectively *Prince's Bridge* and *Gillingham Bridge*, and taking possession of the Wharf and Land belonging to the said Parish of *Gillingham*, and the Roads approaching thereto, construct and complete a public Wharf up to Low-water Mark at Spring Tides for the said Parish as near as may be to the Eastern Side of the proposed new Boundary Wall of the said Dockyard, such Wharf to be of the Length of Six hundred Feet or thereabouts, with a Wharf One hundred Feet in Width for the whole Length, with an inclined Road or Draw Dock for loading and unloading Barges, and shall in carrying out the Arrangement give adequate and sufficient Protection from the Sea up *Gillingham Reach* for Vessels when lying alongside the Wharf, either by an Embankment carried along the Line of Low-water Mark and raised above High-water Mark, or by forming the opposite or East Wall of the *Camber*, or by placing the *Camber* itself and Draw Dock on the West Side of the Wharf, or in some Manner to the Satisfaction of the Board of Surveyors of the said Parish of *Gillingham*, which may be equally efficient, and also make proper and sufficient Roads and Approaches to the said Wharf to and from the High Road near thereto, and that the Expenses of the Solicitor and Engineer of the Board of Surveyors connected with this Clause up to the Insertion thereof, and any necessary Expenses for conveying to the Commissioners the said Wharf and Land, Hards, Landing Places, Highways, Carriageways, and Footpaths authorized to be stopped up and abolished by this Act, and for vesting the new Wharf and the Roads approaching thereto in the Board of Surveyors of the Parish of *Gillingham*, shall be defrayed by the Commissioners; but the Board of Surveyors of the said Parish of *Gillingham* shall not be entitled to any pecuniary or further Compensation for such Conveyance by them to the Commissioners.

Power to the Commissioners to make Embankments.

6. It shall be lawful for the Commissioners to make at any Time or Times such other Embankments or Walls in the River *Medway* and on its Shores or Banks as they may think fit, either on the Sites indicated on the said Plans and Sections or any of them, or anywhere within the Limits of Deviation marked thereon, and to purchase or acquire the Fundus or Soil of such Parts of the River *Medway*, and of any of its Creeks or Inlets, and of its Shores or Banks, as may be necessary for such Embankments or Walls, and to have or leave within the same such Parts of such Fundus or Soil, and to make such Openings, Culverts, Quays, Hards, Landing Places, and Wharves in, through, or upon all or any of such Embankments or Walls, or any of the Lands acquired or to be acquired under this Act, as the Commissioners

missioners may at any Time or Times deem necessary; and after such respective Purchases or Acquisitions the Sites of such Embankments or Walls, and the Fundus or Soil of such Parts of the River *Medway* and of its Creeks and Inlets, and of its Shores or Banks, as may be within the same, shall vest absolutely and exclusively in the Commissioners for the Purposes of this Act.

**Power to Admiralty to stop up Sewers, &c.**

7. It shall be lawful for the Commissioners, without any Writ being issued or other legal Proceeding being adopted, to stop up or divert or alter all Sewers, Streams, Watercourses, Drains, or Pipes, be the same for Gas or Water or other Purposes, in, under, or through or affecting any of the Lands acquired or to be acquired by them under this Act, they, at the Cost of Her Majesty, if necessary, previously making, opening, or laying down another good and sufficient Sewer, Drain, or Pipe, or a good and sufficient Course for the Stream or Watercourse, in lieu of any such diverted, altered, or stopped up, and at such convenient Distance therefrom as to the Commissioners shall seem proper and necessary; and upon such substituted Sewer, Drain, Pipe, or Course being completed or opened, or in case the same shall not be necessary, then as soon as Possession shall be taken by the Commissioners, the Site of so much of any such Sewer, Stream, Watercourse, Drain, or Pipe diverted, altered, or stopped up as lies or passes in, under, over, or across any of the Lands acquired or to be acquired under the Provisions of this Act, and all Interest therein, shall vest absolutely in the Commissioners and their Successors for ever, in manner herein-before provided with respect to Lands purchased, taken, or acquired by the Commissioners under this Act, and the new Sewer, Drain, Pipe, or Course shall vest in the same Bodies Corporate, Commissioners, Trustees, or other Persons, and for the same Estate and Interest, in whom and for which the Sewer, Drain, Pipe, or the Course of the Stream or Watercourse so diverted, altered, or stopped up was vested at the Time of the Diversion, Alteration, or Stoppage thereof by the Commissioners.

**Power to survey.**

8. It shall be lawful for the Commissioners, their Surveyors, Officers, Agents, Servants, and Workmen, at all reasonable Times, and causing as little Damage or Inconvenience as may be, to enter into or upon any such Lands as the Commissioners are empowered to take under this Act, and to survey and value the same, without being liable to any Action or Suit in respect thereof.

**Lands purchased to be liable to Land Tax.**

9. All Lands purchased, taken, or acquired under the Authority of this Act which may be charged with the Land Tax shall continue liable thereto as they would have been had such Lands not been so purchased, taken, or acquired, but so nevertheless that the Commis-

sioners shall have Power to redeem the Land Tax, under the Acts in that Behalf made, if and when they think fit.

Services of Notices, &c.

10. Any Notice, Summons, Writ, or other Document required to be served on the Commissioners for the Purposes of this Act may be served by being delivered to their Solicitor for the Time being, or by being sent to him by Post addressed to him, either at his Office or at the *Admiralty, Whitehall, London*, or by being left for him at One of those Places; and any Notice, Summons, Writ, or other Document required to be given by, from, or on behalf of the Commissioners for the Purposes of this Act shall be given under the Hand of their Solicitor for the Time being.

Power for Admiralty to withdraw Notice.

11. If in any Case, after Notice has been given by the Commissioners for the taking of any Lands under this Act, it appears to them, from a Change of Circumstances or other Reasons, unnecessary or inexpedient to complete the taking of such Lands or any Part thereof, it shall be lawful for them to give a further Notice to the Effect that they thereby withdraw the Notice for the taking of the Lands comprised in the first Notice, or such Part thereof as they may think fit, and thereupon the Lands comprised in the Notice of Withdrawal shall be wholly discharged from the Effect of the first Notice, and may be dealt with as if the first Notice had not been given, and the Commissioners shall be wholly discharged from any Obligation to take such Lands, without Prejudice nevertheless to any Claim of the Owner of such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the first Notice; provided that every such Notice of Withdrawal be given within Two Months after the giving of the first Notice; provided also, that nothing in this Enactment contained shall be construed to give to any Person receiving from the Commissioners a Notice for the taking of Lands any further or other Right as against the Commissioners than he would have had if this Enactment had not been contained in this Act.

Errors on Plan or in Book of Reference may be corrected by Justices who shall certify the same.

12. If any Error, Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans or Sections or in the said Book of Reference deposited as aforesaid, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply to Two Justices of the Peace for the Correction thereof; and if it appear to such Justices that such Error, Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly,

accordingly, and shall in such Certificate state the Particulars of any such Error, Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited with the Clerk of the Peace for the County of *Kent*; and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which they relate, and thereupon such Plans, Sections, or Book of Reference shall be deemed to be corrected according to such Certificate, and the Commissioners may acquire the Lands mentioned in such Certificate, under or by virtue of this Act, as if such Error, Omission, Mis-statement, or wrong Description had not been made.

Certificate, &c. to be deposited.

13. In lieu of a Bond, and with the same Effect as if a Bond were given, as mentioned in Sections Eighty-five and Eighty-seven of "The Lands Clauses Consolidation Act, 1845," it shall be lawful for the Commissioners to give to the Person who under the said Act would otherwise be entitled to such Bond a written Undertaking, without any Surety therein, for such Payment or Deposit as in and by the said Act is in that Behalf provided, and according to the Condition of such Bond as therein is described, so far as such Provisions and Conditions respectively shall and may be applicable to Proceedings under this Act, and the Commissioners shall not be required or be liable to be called upon to give any such Bond.

Undertaking in lieu of Bond.

14. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of or to let or demise any Lands acquired by or vested in them under this Act, which at any Time shall not in the Opinion of the Commissioners be required for the Public Service, and in case of a Sale to sell the same either by Public Auction or by Private Contract, and it shall be lawful for them to convey, surrender, and assign, or to grant or demise the same or any Part thereof, to any Person who shall be willing to purchase or take the same, and for that Purpose to make and execute all such Conveyances, Assurances, Leases, and Agreements as may be thought proper, and it shall also be lawful for the Commissioners to do any other Act, Matter, or Thing in relation to Lands acquired by or vested in them under this Act which shall by them be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, and which might be done by any other Person having in such Lands the like Estate, Term, Share, or Interest as they shall have therein, and all Lands obtained by the Commissioners in Exchange shall vest in the Commissioners and their Successors in manner herein-before provided with respect to Lands purchased by the Commissioners.

Power for the Admiralty to sell and let Lands.

15. The

How Purchase Money to be paid.

15. The Monies to arise and to be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease, of any Lands which shall be sold, let, exchanged, conveyed, or surrendered by the Commissioners under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being, whose Receipt for such Monies (endorsed on the Conveyance, Assurance, or Lease,) shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be so paid.

On Payment of Money Purchasers to stand seised of Lands purchased by them.

16. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall be deemed to stand seised or possessed of the Lands thereby conveyed or made over or leased to him, or (as the Case may require) the Lands taken in Exchange from the Commissioners shall go to the Uses therein expressed or referred to, in every Case freed and absolutely discharged of and from all and all manner of prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of the Lands so conveyed, made over, leased, or taken in Exchange by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interest, Charges, Incumbrances, Claims, and Demands (if any) as in any such Conveyance, Assurance, or Lease shall be excepted.

Admiralty may sue and be sued, and pay and recover Costs.

17. It shall be lawful for the Commissioners to bring, prosecute, and maintain any Action of Ejectment or other Proceeding at Law or in Equity for recovering Possession of any Lands acquired by or vested in them under this Act, and to distrain or sue for any Arrears of Rent which shall become due for or in respect thereof, under any Parol or other Demise, from the Commissioners, and also to bring, prosecute, and maintain, or to defend any other Action or Suit in respect of such Lands, or of any Trespass or Encroachment committed thereon, or Damage or Injury done thereto; and in every such Action, Proceeding, or Suit by or against the Commissioners they shall be called "the Commissioners for executing the Office of Lord High Admiral of the United Kingdom," without any of them being named, and no such Action or Suit shall abate by the Death, Resignation, or Removal of the Commissioners or any of them, and the Commissioners shall in all such Actions, Suits, and Proceedings be entitled to recover and be liable to pay Costs, as in ordinary Actions, Suits, and Proceedings between Subject and Subject.

18. All

**18.** All Monies which under this Act shall be agreed to be paid by or shall be recovered against the Commissioners by way of Purchase or Compensation Money, Damages, Costs, or otherwise, shall be paid by Monies to be provided and appropriated for that Purpose by Parliament.

Purchase Money, &c. how to be provided.

**19.** The Provisions of this Act shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, extend and be applicable to any of the said Lands purchased or taken or agreed to be purchased or taken by them before the passing of this Act, as also to all the Lands which shall hereafter be purchased or taken by virtue of this Act.

Provisions of Act may be applied to any of the Lands already purchased.

**20.** Nothing in this Act shall extend to take away, lessen, or prejudice any Powers, Rights, or Authorities which would or might have been vested in or exercised by the Commissioners if this Act had not been passed.

Nothing to lessen Powers of Admiralty.

**21.** The Commissioners shall not, by reason of anything done or omitted to be done under this Act, be liable, collectively or individually, to any Fine, Penalty, or Forfeiture, or to Execution of any Process against the Person or Property.

Protection to Commissioners.

**22.** All Acts, Deeds, Matters, and Things hereby authorized to be done or executed by the Commissioners, and all Powers and Authorities hereby given to or conferred upon the Commissioners, may be done, executed, and exercised by any Two of them, and when so done, executed, or exercised the same shall be as valid and effectual as if the same were and had been done, executed, or exercised by all the Commissioners, and all Privileges hereby given to the Commissioners shall be enjoyed and may be exercised by any Two of them.

Any Two Commissioners may execute Powers.

**23.** If it shall please Her Majesty, Her Heirs and Successors, to appoint a Lord High Admiral of the United Kingdom, then and so long and as often as there shall be a Lord High Admiral of the United Kingdom all the Powers, Privileges, and Exemptions vested in or given to and all the Lands vested in the Commissioners under or by virtue of this Act shall be and become vested in the Lord High Admiral of the United Kingdom for the Time being, and all such Lands shall vest in him according to the Nature and Quality thereof respectively, and to the Estate, Term, Share, or Interest acquired therein respectively by him or the Commissioners, in trust for Her Majesty, Her Heirs and Successors, for the Public Service, and in any Action or Suit respecting any such Lands the Lord High

Lord High Admiral to have the same Powers as Commissioners.

Admiral shall be called "the Lord High Admiral of the United Kingdom," without being named, and no such Action or Suit shall abate by the Death, Resignation, or Removal of any Lord High Admiral; and in the Construction of the said incorporated Provisions in connexion with this Act the Lord High Admiral for the Time being shall be deemed to be himself solely the "Promoters of the Undertaking," and he shall have the sole Authority for carrying this Act into effect, and generally in all respects, as far as may be, the Lord High Admiral for the Time being shall come in Place of the Commissioners for the Purposes of this Act.

Saving Rights of the Crown.

**24.** Nothing herein contained shall extend or be construed to extend to take away, lessen, prejudice, alter, damage, or affect any Estate, Right, Title, or Interest of the Queen's most Excellent Majesty of, in, or to the Bed, Soil, Banks, and Shores of the River *Medway*, and of, in, or to all or any Arms, Creeks, Streams, and Indraughts thereof, or otherwise, or of, in, or to any Tolls, Dues, Duties, Rents, Issues, Franchises, Profits, Powers, or Authorities, Customs, Immunities, Rights, or Privileges, belonging to the Queen's Majesty, other than and except as regards such Portions of the Bed, Soil, Banks, and Shores of the said River, Arms, Creeks, Streams, and Indraughts, and such Rights and Privileges, which the Commissioners are authorized to purchase or acquire under the Provisions of this Act.

Saving Rights of Corporation of Rochester.

**25.** Nothing herein contained shall extend or be construed to extend to take away, lessen, prejudice, alter, damage, or affect any Estate, Right, Title, or Interest of the Mayor, Aldermen, and Citizens of the City of *Rochester* of, in, or to the Bed, Soil, Banks, and Shores of the River *Medway*, and of, in, or to all or any Arms, Creeks, Streams, and Indraughts thereof, or otherwise, or of, in, or to any Tolls, Dues, Duties, Rents, Issues, Franchises, Profits, Powers, or Authorities, Customs, Immunities, Rights, or Privileges, of or belonging to or claimed by the said Mayor, Aldermen, and Citizens of the said City of *Rochester*, other than and except as regards such Portions of the Bed, Soil, Banks, and Shores of the said River, Arms, Creeks, Streams, and Indraughts, and such Rights and Privileges, which the Commissioners are authorized to purchase or acquire under the Provisions of this Act.

Saving Rights of the Corporation of London.

**26.** Nothing herein contained shall extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London* or their Successors, or of the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power,

Power, Authority, or Jurisdiction which, at the Time of making this Act, the Mayor and Commonalty and Citizens of the City of *London*, or the Lord Mayor of the said City for the Time being, as Conservators of the River *Medway*, did or might lawfully claim, use, or exercise, save and except so far as the Execution of the Works hereby authorized may prejudice or derogate from any such Estates, Rights, Interests, Privileges, Franchises, or Authority, or defeat, alter, or diminish any such Power, Authority, or Jurisdiction.

**27.** The compulsory Powers hereby given for effecting Purchases of and taking Lands shall not be exercised after the Expiration of Five Years from the passing of this Act. Powers for compulsory Purchases limited.

**28.** This Act may be cited as "The *Chatham* Dockyard Act, 1861." Short Title.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

*London Coal and Wine Dues Continuance.*

1 & 2 W. 4. c. 76.

1. An Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, intituled *An Act for regulating the Vend and Delivery of Coals in the Cities of* London *and* Westminster, *and in certain Parts of the Counties of* Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire, *and* Berkshire:

1 & 2 Vict. c. 101.

2. An Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and one, intituled *An Act to continue for Seven Years an Act for regulating the Vend and Delivery of Coals in* London *and* Westminster, *and in certain Parts of the adjacent Counties:*

8 & 9 Vict. c. 101.

3. An Act passed in the Session of Parliament holden in the Session of the Eighth and Ninth Years of the Reign of Her said Majesty, intituled *An Act to continue until the Fifth Day of* July *One thousand eight hundred and sixty-two the Acts for regulating the Vend and Delivery of Coals in* London *and* Westminster, *and in certain Parts of the adjacent Counties; and to alter and amend the said Acts:*

14 & 15 Vict. c. 146.

4. An Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to amend the Acts relating to the Vend and Delivery of Coals in* London *and* Westminster, *and in certain Parts of the adjacent Counties; and to allow a Drawback on Coals conveyed beyond certain Limits:* and which Acts are herein-after referred to as the Coal Duties Acts,

or some or One of such Acts, Two several Duties of One Penny and Twelvepence *per* Ton are authorized to be levied by the Corporation of *London* upon all Coals, Culm, and Cinders brought to any Place within the Port of *London*, or within the Cities of *London* and *Westminster* and the Borough of *Southwark*, or to any Place within the Distance of Twenty Miles from the General Post Office in the City of *London*, by any Railway already constructed or hereafter to be constructed, or by Inland Navigation, or by any other Means of Conveyance: And whereas it is apprehended that the Duty of Eightpence, Part of the said Duty of Twelvepence, will expire in the Year One thousand eight hundred and sixty-one, and the said Duty of One Penny in the Month of *July* One thousand eight hundred and sixty-two, unless Provision be made by Parliament for the Continuance of such Duties: And whereas it is expedient that the said Duties of Four Shillings on Wines and Twelvepence and One Penny on Coals, Culm, and Cinders

Cinders should be continued for a Period of Ten Years: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**Continuation of Wine Duties.**

1. The above-mentioned Duty of Four Shillings a Tun on Wines shall continue and be levied in all respects in the same Manner as the same is now leviable until the Fifth Day of *July* One thousand eight hundred and seventy-two.

**Continuance of Coal Duties.**

2. All Duties authorized by the Coal Duties Acts or any of them to be levied upon Coal, Culm, and Cinders shall continue and be levied in the same Manner in which the same are now leviable until the Fifth Day of *July* One thousand eight hundred and seventy-two, subject to the following Qualification; that, notwithstanding anything contained in the said Acts, no Duties shall be payable in respect of any Coal, Culm, or Cinders unless the same is contained in some Ship or Vessel arriving at her Moorings within some Part of the Port of *London* to the Westward of *Gravesend*, within the Limits of the Metropolitan Police District as defined by Act of Parliament, or be brought by Railway or by Inland Navigation, or by some other Mode of Conveyance within the said Limits of the Metropolitan Police District, including the Cities of *London* and *Westminster*.

**Metropolitan Police District substituted for the London District.**

3. After the passing of this Act the Expression "*London* District" used in the said recited Act of the Fourteenth and Fifteenth *Victoria*, Chapter One hundred and forty-six, shall no longer have the Meaning assigned to it by that Act, but shall mean so much of the several Counties of *Middlesex*, *Surrey*, *Kent*, *Herts*, *Essex*, *Bucks*, and *Berks* as shall be situate within the Metropolitan Police District, and shall include the Cities of *London* and *Westminster*.

**Commencement of Metropolitan Police District to be marked in Canals, Railways, and Roads.**

4. All the Directions, Powers, and Provisions in the said recited Act of the Fourteenth and Fifteenth *Victoria*, Chapter One hundred and forty-six, with respect to Returns, Certificates, and Accounts, and to the Erection of Boxes and Stations and Boundary Stones or Permanent Marks on the Point of any Canal, Inland Navigation, or Railway, or any Turnpike or Public Road which shall be distant Twenty Miles from the General Post Office, and all other Matters and Things relating thereto, shall apply to Returns, Certificates, and Accounts, and to the Erection of Boxes and Stations and Boundary Stones or Permanent Marks on the Point where any Canal, Inland Navigation,

Navigation, or Railway, or any Turnpike or Public Road, first enters or comes within the Metropolitan Police District.

Application of Duties.

5. The Duty of One Penny *per* Ton on Coals, Culm, and Cinders shall from and after the passing of this Act, and the said Duty of Four Shillings *per* Tun on Wines, and the Duty of Eightpence, Part of the said Duty of Twelvepence, on Coals, Culm, and Cinders, shall, from and after such Time as all Charges on the *London Bridge* Approaches Fund may be satisfied, be paid to an Account to be opened in the Name of the Lords Commissioners of Her Majesty's Treasury at the Bank of *England*, to be intituled "The *Thames* Embankment and Metropolis Improvement Fund," and such Fund shall be applied to the Improvement of the Metropolis in such Manner as may hereafter be determined by Parliament.

Application of the Duty of 4*d.* to the Payment of the Interest and Principal of Sums charged thereupon for Improvements.

6. That the Nett Proceeds of the Duty of Fourpence, Part of the said Duty of Twelvepence, on Coal, Culm, and Cinders, shall, from the Date of the passing of this Act, and during the Continuance thereof, be applied by the Mayor, Commonalty, and Citizens of the City of *London*, in the first instance, in Payment of the Interest and in Discharge of the Principal of the following Sums raised by the said Mayor, Commonalty, and Citizens of the City of *London*, and charged by them upon the said Duty; viz., the Sums Three hundred thousand Pounds, Two hundred thousand Pounds, and Forty thousand Pounds, raised for making and improving *Cannon Street* in the City of *London*, and for effecting other Improvements in the said City, as authorized by the Acts of Parliament of the Tenth and Eleventh *Victoria*, Chapter Two hundred and eighty, Thirteenth and Fourteenth *Victoria*, Chapter Fifty-six, and the Fifteenth and Sixteenth *Victoria*, Chapter Seventy-two, and that an Account of the Receipt and Application of the said Duty be kept separate and distinct from the Accounts of the said Mayor, Commonalty, and Citizens, and that an Abstract of the said Account be annually laid by the Chamberlain of the said City before both Houses of Parliament, and that after discharging the said Sums and Interest the said Duty of Fourpence shall be applied by the said Corporation of *London* towards or in aid of such a public Improvement or Improvements in or adjacent to the City of *London* as Parliament shall hereafter sanction.

Drawback upon Coals to continue to be allowed.

7. There shall be allowed with respect to Coals brought within the Port of *London* or within the Metropolitan Police District, and afterwards conveyed to any Place beyond the Port of *London* or the Metropolitan Police District, a Drawback of the same Amount and upon

upon the same Conditions as is allowed by the said recited Act of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter One hundred and forty-six, and the Coal Duties, *London*, *&c.*, Drawback Act, 1857, or One of such Acts, in respect of the Coals therein mentioned, and the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled shall have Power, with the Consent of the Board of Trade, to alter, vary, or dispense with any of the Forms in relation to the Drawback upon Coals contained in the said recited Act of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter One hundred and forty-six.

Duty to be laid out and form an accumulating Fund for Improvements till appropriated by Parliament.

**8.** The Monies from Time to Time paid to the Account created by this Act shall, when received, be laid out and invested in the Purchase of Stock in some of the Public Stocks or Funds, or upon Government or Real Securities, at Interest, in the Name of the said Commissioners, and the said Commissioners shall from Time to Time lay out or invest the yearly Dividends or Interest of the Stocks, Funds, and Securities so to be purchased in their Names on the Account aforesaid, in like Manner, for the Purpose of Accumulation in the meantime, until the said Fund is appropriated by Parliament to the Execution of Improvements in the Metropolis.

Consolidation of Improvement Funds.

**9.** All Monies, Stocks, Funds, and Securities standing to the Account of the Metropolis Improvement Fund Account created by the Act of the Session of the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter One hundred and one, shall from and after the passing of this Act, and all Monies, Stocks, Funds, and Securities standing to the Account of the *London Bridge* Approaches Fund shall, from and after such Time as all Charges on the said Funds may be satisfied, be carried to and form Part of the *Thames* Embankment and Metropolis Improvement Fund created by this Act, and the said *London Bridge* Approaches Fund shall thereupon cease and determine.

Continuance of above-mentioned Acts, except as altered.

**10.** Subject to the Provisions of this Act, the said Act of the Session of the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Ten, so far as relates to the levying of the said Wine Duties and the said Coal Duties Acts and all Matters therein contained, shall be continued until the Fifth Day of *July* One thousand eight hundred and seventy-two; and all the Provisions contained in the said Act of the Session of the First and Second Years of King *William* the Fourth, Chapter Seventy-six, to take effect at the End of Seven Years, therein mentioned, shall take effect as if the Fifth Day of *July* One thousand eight

hundred and seventy-two had been inserted in the said last-mentioned Act instead of the said Term of Seven Years.

Short Title. **11.** This Act may be cited for all Purposes as "The *London* Coal and Wine Duties Continuance Act, 1861."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. XLIII.

### An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes in *Ireland* by the Prevention of frivolous or fictitious Defences to Actions thereon. [22d *July* 1861.]

WHEREAS *bonâ fide* Holders of dishonored Bills of Exchange and Promissory Notes are often unjustly delayed and put to unnecessary Expense in recovering the Amount thereof by reason of frivolous or fictitious Defences to Actions thereon, and it is expedient that greater Facilities than now exist should be given for the Recovery of Money due on such Bills and Notes: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. From and after the Twenty-first Day of *October* One thousand eight hundred and sixty-one, all Actions upon Bills of Exchange or Promissory Notes commenced within Six Months after the same shall have become due and payable, may, in case the Plaintiff shall desire to proceed under this Act, be commenced as herein-after mentioned; that

From and after 21st Oct. 1861 all Actions upon Bills of Exchange, &c. may, if

Plaintiff desires to proceed under this Act, be in the Form prescribed by 16 & 17 Vict. c. 113., with Additions thereto, as herein specified.

that is to say, the Summons and Plaint shall be in the Form prescribed by the Common Law Procedure Amendment Act (*Ireland*), 1853; but, in addition thereto, and to any Particulars or Indorsements required by the said Act, such Summons and Plaint shall have at the Head thereof a Notice in the Form contained in the Schedule (A.) to this Act annexed; and in any Case in which the Summons and Plaint shall be in such Form it shall not be lawful for the Defendant to file any Appearance or Defence to the said Action unless he shall obtain Leave from a Judge, as herein-after mentioned, so to appear and defend; and in default of his obtaining such Leave, or of Appearance and Defence in pursuance thereof, the Plaintiff shall be entitled to mark Judgment with Costs, in pursuance of the Provisions of the Common Law Procedure Amendment Act (*Ireland*), 1853, for any Sum not exceeding the Sum mentioned in the Notice at the Commencement of the Summons and Plaint.

Defendant showing a Defence upon the Merits, to have Leave to appear.

**2.** A Judge of any of the Superior Courts of Common Law in *Ireland* may, upon Application made within the Period of Twelve Days from such Service, or at any Time before Judgment marked, give Leave to appear and defend such Action on the Defendant paying into Court the Sum claimed by the Summons and Plaint, or upon Affidavits satisfactory to the Judge, which disclose a legal or equitable Defence, or such Facts as would make it incumbent on the Holder to prove Consideration or such other Facts as the Judge may deem sufficient to support the Application, and on such Terms as to Security, or otherwise, as to the Judge may seem fit.

Judge may, under special Circumstances, set aside Judgment.

**3.** After Judgment the Court or a Judge may, under special Circumstances, set aside the Judgment, and, if necessary, stay or set aside Execution, and may give Leave to appear and defend the Action, if it shall appear to be reasonable to the Court or Judge to do so, and on such Terms as to the Court or Judge may seem just.

Judge may order Bill to be deposited with Officer of Court in certain Cases.

**4.** In any Proceedings under this Act it shall be competent to the Court or a Judge to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all Proceedings shall be stayed until the Plaintiff shall have given Security for the Costs thereof.

Remedy for the Recovery of Expenses of noting Nonacceptance of dishonored Bill.

**5.** The Holder of every dishonored Bill of Exchange or Promissory Note shall have the same Remedies for the Recovery of the Expenses incurred in noting the same for Nonacceptance or Nonpayment or otherwise, by reason of such Dishonor, as he has under this Act for the Recovery of the Amount of such Bill or Note.

**6.** The

6. The Provisions of the "Common Law Procedure Amendment Act (*Ireland*), 1853," and the "Common Law Procedure Amendment Act (*Ireland*) 1856," and all Rules made under or by virtue of either of the said Acts, shall, so far as the same are or may be made applicable, extend and apply to all Proceedings to be had or taken under this Act. Common Law Procedure Acts and Rules made under them incorporated.

7. The Judges of the Superior Courts of Common Law in *Ireland* shall have Power to frame all Rules and Process necessary thereto. Judges to frame Rules.

8. This Act shall apply to *Ireland* only. Extent of Act.

9. In citing this Act in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Summary Procedure on Bills of Exchange (*Ireland*) Act, 1861." Short Title.

SCHE-

## SCHEDULE referred to in the foregoing Act.

### A.

*The following Notice is to be printed at the Commencement of the Summons and Plaint, and before the Name and Title of Her Majesty.*

The Defendant [*Richard Roe*] is hereby warned and required to take notice,

That this Action being brought on the under-mentioned Bill of Exchange [*or* Promissory Note] is brought under the "Summary Procedure on Bills of Exchange (Ireland) Act, 1861;" and that unless within Twelve Days from the Service hereof he shall obtain Leave from One of the Judges of the Superior Courts of Law in Dublin to appear and defend the Action, and shall within that Time file his Appearance and Defence, the Plaintiff [*John James*] will be entitled, without any further Notice whatever, to issue Execution against him for the Sum of Pounds [*here state the Sum claimed*], and the Costs of this Action.

Leave to appear may be obtained on an Application to any of the Judges, supported by Affidavit, showing that there is a Defence to the Action on the Merits, or that it is reasonable that the Defendant should be allowed to appear and defend the Action, or by lodging the Amount claimed in Court.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

18 & 19 Vict. c. 54., Schedule 1. s. 46.

*a Bill as amended of the Legislature of* New South Wales *to confer a Constitution upon* New South Wales, *and to grant a Civil List to Her Majesty*, it was provided that nothing in the said Bill contained should be deemed to prevent Her Majesty from altering the Boundary of *New South Wales* on the North in such Manner as to Her Majesty might seem fit, nor from detaching from the said Colony that Portion of the same which lies between the Western Boundary of *South Australia* and the One hundred and twenty-ninth Degree of East Longitude, reckoning from the Meridian of *Greenwich*: And whereas by the last-recited Act of Parliament Provision was made respecting the Exercise by Her Majesty of the Power given Her by the said Bill of altering the Northern Boundary of *New South Wales* and it was declared that it should be lawful for Her Majesty, by Letters Patent to be from Time to Time issued under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect into a separate Colony or Colonies any Territories which might be separated from *New South Wales* by such Alteration as aforesaid of the Northern Boundary thereof, and in and by such Letters Patent or by Order in Council to make Provision for the Government of any such Colony, and for the Establishment of a Legislature therein in manner as nearly resembling the Form of Government and Legislature which should be at such Time established in *New South Wales* as the Circumstances of such Colony would allow, and that full Power should be given in and by such Letters Patent or Order in Council to the Legislature of the said Colony to make further Provision in that Behalf: And whereas in virtue of the Powers herein-before set forth Her Majesty did, by certain Letters Patent bearing Date the Sixth Day of *June* in the Year One thousand eight hundred and fifty-nine, separate certain Territories therein mentioned from the Colony of *New South Wales*, and did erect the said Territories into a separate Colony under the Name of *Queensland*, and did also, by a certain Order in Council, also bearing Date the said Sixth Day of *June* One thousand eight hundred and fifty-nine, make Provision for the Government of the said Colony of *Queensland*, and for the Establishment of a Legislature therein, but the Form of Government and Legislature so established did not in all respects resemble the Form of Government and Legislature at that Time established in *New South Wales*: And whereas Doubts are entertained whether the Powers intended to be conferred upon the said Government and Legislature by the said Order in Council, and the Acts done by them, may not be invalid by reason of such Want of Resemblance as aforesaid: And whereas Doubts are also entertained whether it is competent to Her Majesty by Letters Patent to annex to any existing Colony any Part of *New South Wales* which may be detached therefrom, or to detach from *New South Wales* that Portion thereof which lies between the Western Boundary of *South Australia* and the One hundred and twenty-ninth Degree of East Longitude: And whereas it is expedient to set at rest all such Doubts as aforesaid, and also to detach from *New South Wales* the last-mentioned Portion thereof, and to annex the same to *South Australia*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**1.** So much of the Colony of *New South Wales*, being to the South of the Twenty-sixth Degree of South Latitude, as lies between the Western Boundary of *South Australia* and the One hundred and twenty-ninth Degree of East Longitude, shall be and the same is hereby detached from the Colony of *New South Wales* and annexed to the Colony of *South Australia*, and shall for all Purposes whatever be deemed to be Part of the said last-mentioned Colony from the Day on which this Act of Parliament shall be proclaimed therein.

Certain Territories detached from New South Wales and annexed to South Australia.

**2.** It shall be lawful for Her Majesty by such Letters Patent as aforesaid to annex to any Colony which is now or may hereafter be established on the Continent of *Australia* any Territories which, in exercise of the Powers herein-before mentioned, might have been erected into a separate Colony: Provided always, that it shall be lawful for Her Majesty in such Letters Patent to reserve such Powers of revoking or altering the same as to Her Majesty shall seem fit, or to declare the Period during which such Letters Patent shall remain in force; and also on the Revocation or other Determination of such Letters Patent again to exercise, in respect of the Territories referred to therein or any Part thereof, all such Powers and Authority as might have been exercised if the said Letters Patent had never been made.

Power to annex to existing Colonies Territories now Part of New South Wales.

**3.** All the Provisions made in the afore-mentioned Letters Patent and Order in Council of the said Sixth Day of *June* One thousand eight hundred and fifty-nine, for establishing the Colony of *Queensland*, and for the Government of the said Colony, and for the Establishment of a Legislature therein, shall be and be deemed to have been valid and effectual for all Purposes whatever, and all Acts and Proceedings of the said Government and Legislature shall be and be deemed to have been from the Date of the said Order in Council of the same Force and Effect as if the last-mentioned Order in Council had been in all respects valid and free from Doubt.

All Provisions of Letters Patent of 6th June 1859 and Proceedings thereunder of Government, &c. of Queensland to be valid.

**4.** And whereas in the event of any Territories being hereafter separated from *New South Wales*, and erected into a separate Colony, it may not be expedient that the Form of the Government and Legislature to be established in the said Colony should depend upon the Form of Government and Legislature which may, at the Time of such Separation, be established in *New South Wales*; be it enacted as follows:

So much of the secondly herein recited Act of Parliament as requires that the Government and Legislature of any Colony so erected as aforesaid shall, as nearly as the Circumstances of the said Colony shall allow, resemble the Form of Government and Legislature which shall be at such Time established in *New South Wales*, shall be and the same is hereby repealed.

Sect. 7. of 18 & 19 Vict. c. 54. repealed.

**5.** Whereas the Boundaries of certain of Her Majesty's Colonies on the Continent of *Australia* may be found to have been imperfectly or incon-

Provision for determining Boundaries.

inconveniently defined, and it may be expedient, from Time to Time, to determine or alter such Boundaries: Be it therefore further enacted, as follows:

It shall be lawful from Time to Time for the Governors of any contiguous Colonies on the said Continent, with the Advice of their respective Executive Councils, by any Instrument under their joint Hands and Seals, to determine or alter the common Boundary of such Colonies; and the Boundary described in any such Instrument shall be deemed to be, within the Limits there laid down, the true Boundary of said Colonies, so soon as Her Majesty's Approval of such Instrument shall have been proclaimed in either of such Colonies by the Governor thereof.

Providing Mode of apportioning Public Debt in the event of any Territory being separated from any Australian Colony.

6. In the event of any Territory being hereafter separated from any *Australian* Colony, and either erected into a separate Colony or annexed to any other Colony, if the Governor of the Colony to which such Territory belonged before Separation, or the Governor of the Colony to which it shall belong or which it may constitute after Separation, shall represent to One of Her Majesty's Principal Secretaries of State that a Question has arisen between the Governments of the Two Colonies as to the Proportions in which the Public Debt of the Colony from which such Territory has been separated should be borne by the Two Colonies respectively after Separation, or as to the Division of the Public Monies in the Treasury of such first-mentioned Colony at the Time of Separation, it shall be lawful for Her Majesty, through One of Her Principal Secretaries of State, to require the Governors of the Two Colonies, with the Advice of their respective Executive Councils, each to appoint a Commissioner, and it shall be lawful for Her Majesty to appoint a Third Commissioner, not being a Resident in or employed in the Public Service of either Colony and to fix the Time and Place of the First Meeting of the Commissioners, and such Commissioners shall determine the Proportion in which such Monies or Debt shall be divided between the Two Colonies; and the Award of such Commissioners, or of any Two of them, when confirmed by Her Majesty in Council, shall be final and conclusive against both Colonies: Provided always, that nothing herein contained, and no Award as aforesaid, shall in any way prejudice or affect the Security of any Debentures which may have been issued before the Separation of any Territory by the Government of the Colony from which such Territory may be separated, or the absolute Right and Claim of the Holders thereof to demand and receive Payment of the Amounts thereby respectively purporting to be secured, as well out of the Revenues of the Colony from which such Territory has been separated as out of the Revenues of the Colony to which such Territory shall belong or which it may constitute.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

The Expression "the Lords of the Admiralty" shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Expression "Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Plantations:

The Expression "Person or Persons" shall include Companies, Corporations, Commissioners, Trustees, Undertakers, Conservators, or Individuals:

The Word "Promoters" shall apply to and include any Person or Persons who shall make Application for a Provisional Order under this Act:

The Word "Works" shall include any Pier, Harbour, Quay, Wharf, Jetty, or Excavation, whether complete or incomplete, on or near the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith:

The several Words and Expressions contained in the Clauses of any Acts incorporated with this Act shall have the Meanings assigned to them by such Act or Acts, except in Cases in which other Meanings are expressly assigned to them by this Act.

Persons may apply to Board of Trade to grant Provisional Orders.

**3.** Persons desirous of obtaining Authority to construct any Works under this Act, or to levy Rates at any existing or at any new Works, may make Application by Memorial to the Board of Trade to grant Provisional Orders as herein-after mentioned: Provided always, that this Act shall not apply in any Case where the estimated Expenditure upon any proposed Works shall exceed the Sum of One hundred thousand Pounds.

Subscribers to Memorial to be Promoters.

**4.** The Persons whose Names shall be subscribed to such Memorial shall be deemed to be the Promoters; and it shall be lawful for the Board of Trade to require and take Security from the Promoters for the Payment of all Costs, Charges, and Expenses necessarily incurred by the said Board of Trade in relation to any such Provisional Order, and such Costs shall be a Debt due to Her Majesty from the Promoters, and be recoverable by Action in any Court of Law of competent Jurisdiction.

Promoters to deposit Copies of Memorial and Plans at

**5.** In case the Promoters shall be desirous of executing any Works under this Act, they shall in the Months of *October* and *November* deposit Copies of the Memorial they may have submitted to the Board of Trade in relation thereto, and of the Plans, Sections, Working Drawings

*Piers and Harbours.*

Drawings of the Harbour and of any proposed Works, at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of any County, District, or Division of any County in *Scotland*, in which the proposed Works are to be executed, there to remain open for public Inspection, and all Persons shall at all seasonable Hours of the Day be at liberty to inspect and to make Copies or Extracts therefrom; and the Deposit of such Copies and Advertisement of such Deposit shall be certified in such Manner as may be required by the Board of Trade; and Notice of the Deposit of a Copy of such Memorial, and of the Plans, Sections, and Working Drawings of the proposed Works as aforesaid, shall be published once in each of Two consecutive Weeks in some Newspaper circulated within the County wherein such Works are proposed to be undertaken, and once in the *London*, *Edinburgh*, or *Dublin* Gazette.

the Office of the Clerk of the Peace.

Notice of Deposit to be given by Advertisement.

6. The Promoters shall deposit at the Admiralty Office, *Whitehall*, a Copy of such Memorial, and Plans and Sections and Working Drawings of the Harbour and the proposed Works connected therewith, and shall make Application to the Admiralty to sanction such Works, and thereupon the Admiralty, so soon as may be, shall give or withhold their Sanction to the proposed Works, or shall indicate what Alterations, if any, shall be made in the proposed Works.

Promoters to deposit Plans with the Admiralty.

7. The Preliminary Inquiries Act, 1851, shall apply, *mutatis mutandis*, in respect of any Application for such Approval, as if the same were an Application to Parliament for such a Bill as is in that Act mentioned.

Application of 14 & 15 Vict. c. 49. to this Act.

8. Notwithstanding anything in this Act contained, the proposed Works shall only be undertaken and executed upon such Conditions and according to such Plans as shall be previously approved by the Lords of the Admiralty as aforesaid; and if any Works shall at any Time be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of any Commissioners or other Person or Persons that may for the Time being have the Management of any such Works, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Power to Admiralty to remove Works not approved by them.

*Levying of Rates.*

9. In case the Promoters or any Persons being the Owners or Proprietors of any Works, or any Persons having the Management of or Powers to construct any such Works under any Local Act of Parliament.

Regulations as to levying of Rates upon

Application to Board of Trade.

Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, shall be desirous of levying any Rates for the Maintenance of such Works, or of altering the Schedule of Rates then leviable thereat, they shall prepare,—

Publication of Schedule.

(1.) A Schedule of such Rates which they may think reasonable and proper to be levied at such Works, and shall publish such Schedule once at the least in each of Two consecutive Weeks in the Months of *October* and *November* in some Newspaper circulated within the District or some Part of the District in which such Works are or may be proposed to be constructed:-

Deposit of Schedule with Clerks of the Peace.

(2.) And shall also deposit a printed Copy of such Schedule at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in *Scotland* in the Office of the Sheriff Clerk and Clerk of the Peace of the County where such Works are or may be proposed to be constructed:

Deposit of Schedule with Board of Trade.

(3.) And shall also transmit a Copy of such Schedule to the Board of Trade, and therewith a Statement showing the State of any existing Works, and the Rates then leviable thereat, the average Revenue derived at such Works for the Three Years preceding the Date of the First of such Advertisements as aforesaid, and the probable or estimated Amount of the Rates proposed to be levied under such Schedule at any existing Works, or at any new Works proposed to be constructed; and also the estimated Amount of Money, if any, proposed to be expended upon any existing or upon any new Works:

Shipowners, Traders, &c., &c., may forward Objections to Board of Trade.

(4.) And it shall be competent to any Shipowner or Trader within the Limits of such Port, Harbour, or Place, or to any registered Elector or Landowner in the County in which such Works may be situate, or in which it is proposed to construct any new Works, to forward any Objections to such Schedule in Writing to the Board of Trade within Fourteen Days after the last Insertion of such Schedule in any Newspaper as aforesaid:

Board of Trade to adjust Schedule, and may empower Promoters to levy Rates.

(5.) The Board of Trade, after the said Fourteen Days shall have elapsed, and after the Receipt of such Schedule and Statement, shall, as soon as conveniently may be, take the same into consideration, and make such Inquiries and obtain such further Information in reference to the several Matters therein set forth, and to the Objections, if any, that may have been forwarded as aforesaid, as they may deem expedient, and shall finally adjust and fix a Schedule of Rates not

not exceeding the Rates specified in the Schedule to "The Burgh Harbours (*Scotland*) Act, 1853," and thereupon the Board of Trade may by Provisional Order empower any of the Persons in this Section mentioned, or their Assigns, to levy and recover Rates according to such Schedule, and to borrow Money on the Security of such Rates, upon such Terms and Conditions and under such Regulations as may be deemed expedient.

Consent of Commissioners of Woods, &c. to be obtained.

**10.** No Provisional Order, except such as relate to the levying and Recovery of Rates only, shall be made under this Act without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues being first had and obtained.

Saving Rights of the Crown.

**11.** Nothing in this Act contained shall extend to abrogate or prejudice any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown, or of Her Duchy or County Palatine of *Lancaster*.

Saving Rights of the Duchy of Cornwall.

**12.** Nothing contained in this Act, or in the Acts incorporated herewith, shall extend to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities for the Time being vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

Saving Rights of Conservators of the Rivers Thames and Mersey, &c.

**13.** Nothing in this Act contained shall extend or be applicable to the Port of *London*, or to the River *Thames* within the Limits defined by "The *Thames* Conservancy Act, 1857," nor to the Port and Harbour of *Liverpool*, or to the River *Mersey*, as defined by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for better preserving the Navigation of the River* Mersey, nor to the Port and Harbour of *Glasgow* and the Limits of the River *Clyde*, as defined by "The *Clyde* Navigation Consolidation Act, 1858," nor to the Port and Haven of *Sunderland* and River *Wear*, within the Limits defined by "The River *Wear* and *Sunderland* Dock Act, 1859," nor to the Port of *Kingston-upon-Hull* or the River *Humber*, within the Limits defined by "The River *Humber* Conservancy Act, 1852," nor to the River Tyne or to the Port and Harbour of *Newcastle-upon-Tyne*, and the Limits thereof as defined by "The *Tyne* Improvement Act, 1850."



**14.** The

Promoters not to do any Act which shall prejudice any Right acquired by Royal Charter, &c.

**14.** The Promoters shall not, by any Provisional Order under this Act, or by any Act of Parliament confirming such Order, be authorized to do any Act, Matter, or Thing which shall prejudice or affect any Right, Privilege, Power, Jurisdiction, or Authority acquired by or given or reserved to any Person or Persons by Royal Charter, by Prescription, or by any Local or Personal or Private Acts, for the Purpose of executing any Works such as are contemplated by this Act, or for the Management and Conservancy thereof, or for protecting the Navigation of any tidal Waters or navigable River, or for making any River navigable, or otherwise improving, maintaining, or continuing the navigable Passage thereof, or any Works connected therewith, or which shall or shall tend to prejudice or injuriously affect the Access to or Passage from any Quay, Pier, Harbour, Basin, Dock, or Inland Navigation, or the Channels or Passages thereof, or leading thereto or therefrom, or the Use or Enjoyment of any Quay, Pier, Harbour, Basin, Dock, or Inland Navigation, without the Consent in every Case of such Person or Persons, and such Consent shall be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Board of Trade may grant Provisional Orders, subject to Provisions herein named.

**15.** After such Inquiries as the Board of Trade may think expedient, and after the Consent of the Admiralty, and of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and, if required, of the Persons mentioned in the last preceding Section, shall have been obtained, and the same shall have been certified to the Board of Trade in such Manner as they may require, the Board of Trade may settle and make a Provisional Order; and every such Order shall be made and shall take effect subject and according to the following Provisions:—

It shall specify who are to be the Undertakers of the Works, and may provide (where requisite) for the Election or Appointment of Commissioners as Undertakers of the Works, and may (where requisite) incorporate the Undertakers into a Body Corporate, with an appropriate Name, perpetual Succession, and a Common Seal:

It may empower the Undertakers to make and alter Byelaws for the Management of such Works, subject in *England* and *Ireland* to the Approval of the Court of Quarter Sessions of the Peace for the County in which the Works are situated, and in *Scotland* to the Approval of the Sheriff or Sheriff Substitute of such County:

It may empower the Undertakers to take Land on Lease or otherwise, to an Extent limited by the Order, by Agreement:

It

It may empower the Undertakers to levy and to recover Rates at such Works, and may provide for the Application of the Monies accruing from the Rates to be levied, and (where requisite) may provide for the due Audit of the Accounts of Receipt and Expenditure at such Works:

It may empower the Undertakers for the Purposes of such Works to borrow on Mortgage or Bond, at a maximum Rate of Interest to be therein specified, upon Security of the Rates, to an Extent limited by the Order, with Provisions for Payment of Interest and Repayment of Principal:

It may incorporate by Reference "The Commissioners Clauses Act "(1847)," "The Companies Clauses Act (1845)," "The Com-"panies Clauses (*Scotland*) Act (1845)," "The Harbour, Docks, "and Piers Clauses Act (1847)," "The Lands Clauses Con-"solidation Act (1845)," "The Lands Clauses Consolidation "(*Scotland*) Act (1845)," or any Part of such Acts, except so much of the said Two last-mentioned Acts as relates to the Purchase of Land otherwise than by Agreement; the Expression the "Special Act" used in such incorporated Acts shall be deemed to apply to such Provisional Order.

**Order to be deposited with Clerk of the Peace.**

**Notice of Deposit by Advertisement.**

**Board of Trade to obtain Confirmation of Provisional Order by Parliament.**

**16.** After the making of any Order under this Act, the Promoters shall deposit a Copy of the same at the Office of the Clerk of the Peace of any County, Riding, or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of any County, District, or Division in *Scotland*, in which the proposed Works referred to in such Order may be situate; and Notice of such Deposit shall be given by Advertisement once in the *London*, *Edinburgh*, or *Dublin* Gazette, and in some Newspaper circulated in the County as aforesaid; and after it shall have been certified to the Board of Trade by the Promoters that such Deposit and Advertisement as last aforesaid have been made, and that Fourteen Days have elapsed from the Date of such Advertisement, the Board of Trade shall, within Three Calendar Months from the Beginning of the Session of Parliament in any Year, cause a Bill to be introduced into either House of Parliament for the Purpose of obtaining an Act for the Confirmation of such Order, and the Order to be confirmed shall be specified in a Schedule to the Bill introduced for confirming the same, and shall be set out at Length therein, and until such Confirmation no Provisional Order shall be of any Validity or Force whatever; and every Act of Parliament confirming such Order shall be deemed a Public General Act.

**Where Petition presented**

**17.** In case any Petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this

against an Order, Bill confirming same may be referred to Select Committee.

this Act, in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Orders, &c. to be signed by One of the Secretaries, &c. of Board of Trade, or by Secretary of the Admiralty.

**18.** All Orders, Notices, Consents, Approvals, and other Acts of the Board of Trade or of the Lords of the Admiralty in execution of this Act shall be in Writing or in Print, or partly in Writing and partly in Print, and shall be signed by One of the Secretaries or Assistant Secretaries of the Board of Trade, or by the Secretary of the Admiralty for the Time being, as the Case may be.

Board of Trade to report to Parliament.

**19.** The Board of Trade shall make and lay before both Houses of Parliament in the Month of *February* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Week after the next Meeting thereof, a general Report of their Proceedings under this Act, stating the several Cases in which Applications have been made to them under the Provisions of this Act, and the Board of Trade may from Time to Time make and lay before Parliament such special Reports in relation to all or any of the Matters aforesaid as they may think fit.

Power to Secretary of State for War to take and hold Land, &c., for Batteries, &c.

**20.** It shall be lawful for the Promoters of any Harbour constructed under the Provisions of this or any other Act, whether Local or otherwise, to make, and for Her Majesty's Principal Secretary of State for the War Department to accept, a Grant either in Fee or for a Term of Years not less than Nine hundred and ninety-nine Years of any Lands, Tenements, and Hereditaments proper for Sites for Batteries or Fortifications, not exceeding in Quantity in any One Place what may be sufficient for building and erecting thereon a Battery or Fortification for the Protection of such Harbour, and for making a proper or sufficient Access or Approach thereto, and to enter into any Covenant or Stipulation with the said Principal Secretary of State and his Successors not to build or do any Act prejudicial to the said Batteries or Fortifications on the Land adjacent to the Sites so granted as aforesaid, within the Line of Fire from such Batteries or Fortifications to be erected thereon, and which Sites when conveyed as aforesaid shall be held by the said Principal Secretary and his Successors on behalf of Her Majesty.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

************************************************************

## CAP. XLVI.

### An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act. [1st *August* 1861.]

WHEREAS, by an Act of the Fifteenth Year of Her Majesty, Chapter Thirty-eight, "to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls," herein-after referred to as the Principal Act, Power is given to One of Her Majesty's Principal Secretaries of State to make Provisional Orders for reducing the Rate of Interest and for extinguishing the Arrears of Interest on Mortgage Debts charged or secured on the Revenues of Turnpike Roads, in Cases where such Revenues are insufficient for the Payment in full of the Interest charged thereon: And whereas by the annual Turnpike Acts Continuance Act, 1860, the principal Act is extended to Turnpike Roads the Acts relating to which are continued by such last-mentioned Act, although their Revenues are not insufficient for such Payments as aforesaid: And whereas in pursuance of the Principal Act and the said Act extending the same, the several Provisional Orders referred to in the Schedule hereto have been

14 & 15 Vict. c. 38.

been made by Her Majesty's Principal Secretary of State for the Home Department, and there are stated in the said Schedule the Dates of such Orders and such Particulars relating thereto as are therein specified: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute, and that the Provision made by the said Annual Continuance Act, 1860, should be extended to Turnpike Roads the Acts relating to which are continued by any Annual Continuance Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

1. The several Provisional Orders the Dates of which are set forth in the First Column of the said Schedule are hereby confirmed, and the Provisions thereof shall be of the like Force and Effect as if they had been expressly enacted by Parliament.

Provisions of 15 Vict. c. 38. extended to Cases herein named.

2. So much of the Principal Act as confines the Operation thereof to Cases where the Revenues of a Turnpike Road are insufficient for the Payment in full of the Interest charged on such Revenues shall, so far only as relates to any Turnpike Road in *England* the Act in relation to which is continued by any Annual Turnpike Acts Continuance Act, be repealed; and in the Case of any such Turnpike Road the Provisions of the principal Act shall be applicable (although the Revenues of such Turnpike Road be not insufficient for such Payment as aforesaid).

SCHE-

## SCHEDULE.

| Date of Provisional Order. | TITLE OF LOCAL ACT. | Amount of Principal Debt. | Interest to be reduced to the following Rates per Annum. | Arrears of Interest to be extinguished to the following Dates. |
|---|---|---|---|---|
| | | £ s. d. | | |
| 1860. 26 Oct. | 3 Vict. c. 11., "An Act for making a "Turnpike Road from West Kennet to "Amesbury in the County of Wilts, "with Branches therefrom." | 5,900 0 0 | 3*l.* per Cent. | 24 June 1859. |
| 16 Nov. | 6 Geo. 4. c. 46., "An Act for repairing "the Road from Kingston-upon-Thames "to Leatherhead in the County of Surrey." | 10,301 5 0 | 1*l.* 10*s.* per Cent. | No arrears extinguished. |
| 30 Nov. | 10 Geo. 4. c. 65., "An Act for more effectually repairing the Roads from "Alfreton to Higham and Tibshelf in "the County of Derby." | 3,050 0 0 | 3*l.* per Cent. | 1 Nov. 1861. |
| 26 Dec. | 59 Geo. 3. c. 25., "An Act for repairing "the Road from Shelton's Lane in Bury "in the County of Huntingdon to a "House formerly called The Spread "Eagle in the Hamlet of Stratton, in "the Parish of Biggleswade in the "County of Bedford." | 6,530 0 0 | 3*l.* 10*s.* per Cent. | No arrears extinguished. |
| 31 Dec. | 10 Geo. 4. c. 87., "An Act for making "and maintaining a Road from Sheepscar, through Woodhouse Carr, to "Meanwoodside in the Parish of Leeds "in the West Riding of the County of "York." | 2,000 0 0<br>3,427 17 9 | 3*l.* per Cent.<br>2*l.* per Cent. | No arrears extinguished. |
| 31 Dec. | 4 Will. 4. c. 31., "An Act for improving "and maintaining certain Roads in the "Counties of Montgomery, Merioneth, "Salop, and Denbigh," so far as the same relates to "The Third District of "the Montgomeryshire Roads." | 11,237 0 0 | 4*l.* per Cent. | No arrears extinguished. |
| 1861. 18 Jan. | 10 Geo. 4. c. 26., "An Act for more effectually repairing and improving the "Road from Kipping's Cross in the "County of Kent to Flimwell Vent "in the County of Sussex, and certain "other Roads therein described." | 7,400 0 0 | 2*l.* per Cent. | No arrears extinguished. |

*Turnpike Trusts Arrangements.*

| Date of Provisional Order. | TITLE OF LOCAL ACT | Amount of Principal Debt | Interest to be reduced to the following Rates per Annum. | Arrears of Interest to be extinguished to the following Dates |
|---|---|---|---|---|
| | | £ s. d. | | |
| 1861. 19 March | 10 Geo. 4. c. 56., "An Act for more effectually repairing the Road from the Brick Kilns on East Malling Heath to Pembury Green, and from Brandbridges to the Four Wents near Matfield Green, and from the said Road into the Mereworth and Hadlow Road, in the County of Kent." | 7,351 17 6 | 3*l.* 10*s.* per Cent. | 31 Dec. 1860. |
| 16 May | 2 Will. 4. c. 58., "An Act for more effectually repairing and maintaining the Turnpike Road from or near a Place called the Five Oaks in the Parish of Billingshurst, to join the Horsham and Guildford Turnpike Road on Broadbridge Heath in the County of Sussex." | 5,415 0 0 | 1*l.* 10*s.* per Cent. | 31 Dec. 1860. |
| 29 June | 10 Geo. 4. c. 81., "An Act for maintaining and repairing the Road from the River at Swathling through Botley to the Road at Sherril Heath in the county of Southampton." | 1,650 0 0 | 1*l* 10*s.* per Cent. | 31 Dec. 1860. |

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Interpretation of Terms:

2. In the Construction of this Act the following Expressions shall have the Meanings hereby assigned to them, unless such Meanings are inconsistent with the Context; that is to say,

"Board of Trade:"

The Expression "Board of Trade" shall mean the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"Harbour:"

The Word "Harbour" shall include Harbours properly so called, whether natural or artificial, Estuaries, navigable Rivers, Piers, Jetties, and other Works in or at which Ships can obtain Shelter, or ship and unship Goods or Passengers:

"Harbour Authority:"

"Harbour Authority" shall include all Persons, or Bodies of Persons, corporate or unincorporate, being Proprietors of or intrusted with the Duty of constructing, improving, managing, maintaining, or lighting any Harbour:

"Limited Estate:"

The Expression "Limited Estate," shall mean the Estate of any Person entitled under any Settlement at Law or in Equity for his own Benefit to the Possession or Receipt of the Rents and Profits of Land of any Tenure for the Term of his own Life or of the Life of any other Person, whether such Land is or is not subject to Incumbrances:

"Settlement:"

The Word "Settlement" shall include any Act of Parliament, Will, Deed, or other Assurance whereby particular Estates or particular Interests in Land are created with Remainders or Interests expectant thereon, and any Deed of Entail; and every Estate and Interest created by Appointment made in the Exercise of any Power contained in any Settlement or derived from any Settlement shall be considered as having been created by the same Settlement; and an Estate or Interest, by way of resulting Use or Trust to or for the Settlor, or his Heirs, Executors, or Administrators, shall be deemed to be an Estate or Interest under the same Settlement:

"Pilotage Authority:"

"Pilotage Authority" shall include all Bodies and Persons authorized to appoint or license Pilots, or to fix or alter Rates of Pilotage, or to exercise any Jurisdiction in respect of Pilotage:

"Shipping Purposes:"

The Expression "Shipping Purposes" shall include the constructing or doing any Work or Thing that conduces to the Safety or Convenience of Ships, or that facilitates the shipping or unshipping of Goods, and the Management and superintending the same, and shall also include the Maintenance of any Lifeboat or other Means of preserving Life in case of Shipwreck:

"Differential Dues."

The Expression "Differential Dues" shall include any Dues, Rates, or Taxes levied on Foreign Ships, or on Goods carried in Foreign Ships, which are not levied under like Circumstances on *British* Ships or on Goods carried in *British* Ships; and shall also include any Excess of Dues, Rates, or Taxes levied on Foreign Ships, or on

on Goods carried in Foreign Ships, over the Dues or Taxes levied under like Circumstances on *British* Ships or on Goods carried in *British* Ships; excepting always such Duties as the Commissioners of Customs may be empowered to levy for the Use of Her Majesty under any Act of Parliament in the Events therein mentioned.

PART I.—LOANS TO HARBOURS.

Advances of Money to Harbour Authorities.

3. The Public Works Loan Commissioners, as defined by the Act of the Nineteenth Year of the Reign of Her present Majesty, Chapter Seventeen, may, out of the Funds for the Time being at their Disposal or provided by Parliament for the Purpose, advance to any Harbour Authority, for the Purpose of constructing, improving, maintaining, or lighting any public Harbour, or for carrying into effect any other Shipping Purpose, such Sum or Sums of Money as may be required, subject to the following Regulations:

(1.) No Harbour Authority shall borrow any Money from the said Commissioners under this Act without the Approval of the Board of Trade, in Writing, signed by One of their Secretaries or Assistant Secretaries:

(2.) When the aggregate Amount of Principal Monies due to the said Commissioners from any One Harbour Authority in pursuance of this Act does not exceed One hundred thousand Pounds, the Interest payable in respect thereof shall be at the Rate of Three Pounds Five Shillings *per Annum* on each Hundred Pounds; but when such aggregate Amount exceeds One hundred thousand Pounds, the Interest payable in respect of One hundred thousand Pounds shall be at the Rate aforesaid, and the Interest payable in respect of the Excess shall be at such higher Rate as the said Commissioners may determine, not exceeding Five Pounds *per Annum* on each Hundred Pounds:

(3.) The Period for Repayment of any Sums advanced shall not exceed Fifty Years:

(4.) The Repayment of any Advances and of the Interest thereon shall be secured upon all or any of the Rates leviable by the Harbour Authority to whom such Advances are made, either alone, or together with such other Property or Income as may be agreed on, and it shall not be incumbent on the Public Works Loan Commissioners to require any other Security:

(5.) Any Harbour Authority which has for the Time being Power to levy Rates and Tolls immediately or prospectively, or is

or

or may be entitled to any other Income or Property applicable to Shipping Purposes, shall have Power to borrow Money from the said Commissioners under this Act on the Security of the said Rates, Tolls, Income, and Property, or any Part thereof, and to charge the same accordingly:

(6.) For the Purposes of Loans made to any Public Harbour Authority under this Act the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, except so far as the same may be inconsistent with the Clauses and Provisions of the said Public Works Loan Act and the Acts therein mentioned, shall be incorporated with this Act; and in the Construction of this Act, and of the said incorporated Clauses, this Act shall be deemed to be the Special Act, and the Harbour Authority to which an Advance is made shall be deemed to be the Commissioners:

(7.) No Harbour Authority, being the Proprietor of any private Harbour, shall borrow any Money from the said Commissioners under this Act unless such Regulations are made in respect of the Rates to be taken in such Harbour, and the User thereof by the Public, as the Board of Trade may approve; and for the Purpose of making and enforcing such Regulations, it shall be lawful for Her Majesty, by Order in Council, to declare that "The Harbours, Docks, and Piers Clauses Act, 1847," shall apply to such Harbour, and to fix a Schedule of Rates not exceeding the Rates specified in the Schedule to "The Burgh Harbours (*Scotland*) Act, 1853," to be taken in the said Harbour; and thereupon the said Harbours Clauses Act, with the Exception of such Clauses as may be excepted in the said Order, shall apply to the said Harbour in the same Manner as if it had been declared to apply thereto by Act of Parliament: And in the Construction of this Act and of the said incorporated Act this Act shall be deemed to be the Special Act; and the Expression "the Undertaker" shall be deemed to mean the Proprietor of the said Harbour, and the "Rates" shall be deemed to be such Rates as may be sanctioned by the said Order in Council:

(8.) Where any Harbour Authority, being the Proprietor of any Harbour, is entitled to a "limited Estate" therein, he shall have Power to make the Repayment of any Monies borrowed by him under this Act, with the Interest, a Charge on his limited Estate in the said Harbour, and on the Estate and Interest of every Person

Person taking under the same Settlement any Estate or Interest in such Harbour in defeasance or expectancy or by Destination on the Determination of the said limited Estate, but it shall be subject to all Incumbrances on the Harbour subsisting at the Time of the Charge:

(9.) No Advance or Part of any Advance shall be made in pursuance of this Act to any Person entitled to a limited Estate so as to charge the Estate or Interest of any Person taking in defeasance or expectancy or by Destination, except to an Amount to be specified in Certificates to be from Time to Time issued under the Hand of One of the Secretaries or Assistant Secretaries of the Board of Trade; and no such Certificate shall be issued until it has been proved to the Satisfaction of the Board of Trade, that the Amount specified in the Certificate has been properly expended upon the said Harbour.

PART II.—ABOLITION OF PASSING TOLLS.

Abolition of Passing Tolls.

4. From and after the First Day of *January* One thousand eight hundred and sixty-two all Tolls and Rates ordinarily known by the Name of Passing Tolls, leviable in respect of any Harbours on Ships which pass but do not enter such Harbours, or on Goods carried in any such Ships, shall cease to be levied.

Indemnity to Creditors on Passing Tolls.

5. If on the First Day of *January* One thousand eight hundred and sixty-two any Debts legally incurred before the Fifteenth Day of *March* One thousand eight hundred and sixty-one remain charged on the Passing Tolls hereby abolished, then, subject to the special Provisions herein-after contained, the Creditors to whom such Debts are due shall be indemnified out of the Consolidated Fund and the growing Produce thereof for any Loss they may sustain by reason of such Abolition; but any Income or other Property that may be charged with the said Debts in common with such Tolls shall (except in the Case of Debts legally charged upon the Tolls or Revenues of the Harbours of *Whitby* and *Bridlington* previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one) be liable to make good any Payments made in pursuance of this Act for the Indemnity of the Creditors.

PART III.—ABOLITION OF DUES LEVIED BY CHARITABLE CORPORATIONS.

Abolition of Dues leviable by Charitable Authorities.

6. All Rates, Dues, Duties, and Imposts (herein-after included in the Term Shipping Dues) leviable by any of the Charitable Authorities named in the First Schedule annexed hereto on Ships, or

or on Goods carried in Ships, shall, except so far as the same may be required for the Execution of such Shipping Purposes as have hitherto been executed by means of the said Dues, cease to be levied on and after the First Day of *January* One thousand eight hundred and seventy-two.

Dues levied for Shipping Purposes on Ships or Goods which derive no Benefit.

7. Whenever any of the said Shipping Dues leviable by any of the said Authorities named in the First Schedule are applicable to Shipping Purposes, but such Shipping Purposes are not for the Benefit of Ships or Goods carried therein at the Port or Place at which such Dues are levied, such Dues shall cease to be levied on and after the First Day of *January* One thousand eight hundred and seventy-two.

Provision for Payment of Pensions granted before 15th March 1861, and for Application of Surplus.

8. During the Period prior to the said First Day of *January* One thousand eight hundred and seventy-two, the Shipping Dues levied by each of the Authorities named in the said First Schedule, including the Compensation for Differential Dues herein-after mentioned, shall, subject to the Execution of any Shipping Purposes to which the same or any Part thereof may be applicable, be applied in Payment of any Pensions which have been lawfully granted, or in which a vested Interest, absolute or contingent, has been lawfully created before the Fifteenth Day of *March* One thousand eight hundred and sixty-one; and any Surplus arising from the said Dues during the said Period, after providing for the said Shipping Purposes, and Payment of the said Pensions for the Time being, and such Payments for Charitable or other Purposes as have heretofore ordinarily been made by the said Authority out of the said Dues, shall, with the Interest thereon, after the Termination of the said Period, be applied in Payment of such, if any, of the said Pensions as have not then ceased; and subject to such Payment, the said Surplus shall become Part of the Charitable Funds of the said Authority, and shall be held and administered by them upon the same Trusts and for the same Purposes upon and for which the said Dues would have been held and applied if this Act had not passed: If at any Time after the Expiration of the said Period it is made to appear to Her Majesty in Council that any of the said Pensions are still in existence, and that after duly accounting for the Surplus aforesaid, the Authority by which such Pensions were granted is unable, either out of the said Surplus or out of their other Funds applicable to Charitable Purposes to pay the said Pensions, it shall be lawful for Her Majesty from Time to Time, by Order in Council, to declare that the Shipping Dues theretofore levied by the said Authority shall continue for such Time and to such Extent as may by such Order be declared to be necessary for Payment of the said Pensions; and thereupon

upon the said Shipping Dues shall continue to be leviable according to the Terms of such Order: Provided that nothing in this Act contained shall enable any of the said Authorities to apply any Part of the said Dues to any Purposes to which they could not lawfully have applied the same if this Act had not passed.

**9.** Each of the said Authorities shall, as soon as they conveniently can after the passing of this Act, make out and send to the Board of Trade a List of all Pensions to be paid by them which have been granted, or in which a vested Interest has been created, before the Fifteenth Day of *March* One thousand eight hundred and sixty-one, accompanied by such Vouchers and Explanations as the Board of Trade may require; and each of the said Authorities shall, as early as possible, in every Year during the said Period of Ten Years, publish in some local Newspaper a Statement of their gross Receipts from the said Shipping Dues, and of the Manner in which the same have been expended or applied in the preceding Year.

List of Pensions to be made out and sent to Board of Trade.

PART IV.—ABOLITION OF DIFFERENTIAL DUES, AND COMPENSATION THEREFOR.

**10.** All Differential Dues shall cease and be abolished on and after the First Day of *January* One thousand eight hundred and sixty-two.

Abolition of Differential Dues.

**11.** All Payments which would but for such Abolition have been made out of Public Monies by way of Compensation for Differential Dues, under the Authority of the Acts enumerated in the Second Schedule hereto annexed, or of any other Act or Acts relating to such Dues, shall continue until the First Day of *January* One thousand eight hundred and seventy-two, and shall then cease.

Compensation for Differential Dues, when to cease.

**12.** From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-one the Compensation for Differential Dues paid to any Corporation, Body of Persons, or Person in any One Year shall be the Amount paid to such Corporation, Body, or Person in the Year One thousand eight hundred and sixty; and the Commissioners of Her Majesty's Treasury may cause the said Compensation to be paid to the said Corporations, Bodies, or Persons, without requiring them to transmit their Claims to the *Trinity House of Deptford Strond* for Examination.

Compensation, whilst continued, to be limited.

**13.** The Commissioners of Her Majesty's Treasury may at any Time, on giving Three Months Notice of their Intention so to do, commute annual Payments by way of Compensation for Differential Dues, by paying to the Parties entitled thereto a gross Sum,

Commutation of Compensation.

Sum, equal to such Number of Years Purchase as may for the Time being remain unexpired of the Period for which the said Payments are to continue, after deducting Interest on the anticipated Payments at the Rate of Four *per Cent.*

Indemnity to Public Authorities.

**14.** All such Harbour and Pilotage Authorities and other Bodies Corporate, Bodies of Persons, and Persons as have heretofore applied to Shipping Purposes or to other public Purposes, Compensation paid to them for Differential Dues, or as have contracted Debts for such Purposes, may, from and after such Time as such Compensation ceases to be paid to them, with the Consent of Her Majesty in Council, indemnify themselves for the Loss thereof by raising any Rates which they have Power to levy, to such an Amount as will produce a Sum that will enable them to perform such Services, subject to this Proviso, that no Rates or Dues of any Kind shall in pursuance of the Power hereby given be made payable in respect of any Foreign Ship, or Goods carried in any Foreign Ship, over and above the Rates and Dues made payable under like Circumstances in respect of *British* Ships and the Goods carried in *British* Ships.

Power to recover increased Dues.

**15.** In the event of any Increase of Taxes or Rates being sanctioned by Her Majesty in Council, the Body Corporate, Persons, or Body of Persons empowered to increase the same shall, notwithstanding any Act of Parliament, Charter, or Usage to the contrary, have the same Powers and Remedies for levying such increased Taxes or Rates as they had for levying the same Taxes or Rates previously to such Increase.

Saving of Rights of Creditors.

**16.** Nothing herein contained shall prejudice or affect the Right of any Creditor who may have advanced Monies either wholly or partially on the Security of any Differential Dues, or of any Payments out of the Public Monies made by way of Compensation for Differential Dues; but if the Commissioners of Her Majesty's Treasury make any Payment to such Creditor in respect of such Compensation the Sum so paid shall be deemed to be a Debt due to the Crown from the Persons or Body to whom the Creditor made the Advance in respect of which the Payment is made, and shall be recoverable accordingly.

## Part V.—Power to Town Corporations, &c. to transfer Shipping Dues to Harbour Authorities.

Power to transfer Dues.

**17.** Any Body Corporate or Person having Power to levy Shipping Dues may, with the Consent of Her Majesty in Council, by Deed transfer, upon such Terms as they or he think fit, all or any Portion of the Shipping Dues leviable by them or him to any Authority entrusted

entrusted with the Duty of constructing, maintaining, or improving any public Harbour within which such Dues or any Portion thereof may be levied; and the Transferees of such Dues shall be possessed of all the Rights and Privileges in respect of such Dues of which the Transferors were possessed previously to such Transfer, and shall apply the said Dues to Shipping Purposes within the said Harbour.

**Notice of intended Transfer to be given.**

**18.** Previously to making any such Transfer as aforesaid, the Parties proposing to make the same, herein-after called the Transferrors, shall give Notice of the Terms on which it is proposed to be made, by publishing such Terms twice at least in some local Newspaper or Newspapers, or by issuing Advertisements naming a Time and Place at which a Copy of the proposed Terms may be inspected; and it shall be lawful for any Persons or Body of Persons interested in the Matter, to lay before them in Writing such Objections or Observations with reference thereto as they think expedient, and it shall be the Duty of the Transferors and of the said Harbour Authority to take the same into consideration and to make such Modifications in or Additions to the said Terms (if any) as they may think fit to adopt, and it shall likewise be their Duty, in applying for the Consent of Her Majesty in Council, to forward all such Objections and Observations, with their Answer thereto for the Consideration of Her Majesty in Council.

**Evidence of Transfer.**

**19.** Upon the Completion of the Transfer, a Copy of the Order in Council approving of the Transfer, accompanied with a Copy of the Instrument of Transfer, shall be published in the *London Gazette;* and the Production of the *London Gazette* containing such Copy shall be Evidence that the said Transfer has been effected.

**Power to borrow Money in order to effect such Transfer.**

**20.** Every Harbour Authority may from Time to Time borrow at Interest, on the Security of any Property belonging to them, or of any Rate or Rates which they have Power to levy, any Sum or Sums they may require for procuring any such Transfer as aforesaid to be made to them; and for the Purposes of such borrowing, the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners (except the Clause numbered 84.) shall be incorporated with this Act. The said Transferors shall hold and apply all Monies paid to them by way of Consideration for any such Transfer as aforesaid upon the same Trusts, if any, and for the same Purposes, upon and for which the said Shipping Dues, if not so transferred, would have been held and applied.

PART VI.—ABOLITION OF SPECIAL TAXES AT DUBLIN.

Abolition of Special Taxes at Dublin.

**21.** All Taxes on Ships, or Goods carried in Ships, leviable within the Port of *Dublin*, which are mentioned in the Third Schedule hereto, shall cease to be levied on and after the First Day of *January* One thousand eight hundred and sixty-two.

PART VII.—MAINTENANCE OF RAMSGATE, DOVER, WHITBY, AND BRIDLINGTON HARBOURS.

*Ramsgate Harbour.*

Transfer of Ramsgate Harbour to Board of Trade.

**22.** On and after the First Day of *January* One thousand eight hundred and sixty-two the Harbour of *Ramsgate* and the Soil thereof, and all Property, Real and Personal, vested in the Trustees of the said Harbour, or in any Person in trust for the Purposes of the said Harbour, with their actual and reputed Appurtenances, subject to all Leases, Contracts, Charges, or other Liabilities affecting the same, shall be transferred to and are hereby vested in the Board of Trade.

Transfer of Powers to Board of Trade.

**23.** All Powers, Rights, and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour of *Ramsgate*, or the Property belonging thereto, which may by virtue of any Act of Parliament, Charter, or otherwise, be vested in or exerciseable by the Trustees of *Ramsgate* Harbour, shall be transferred to and are hereby vested in the Board of Trade.

Debts, &c. of Trustees enforceable against Board of Trade.

**24.** All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Trustees of *Ramsgate* Harbour, in respect of any Property, Powers, Rights, or Privileges hereby transferred to the Board of Trade, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Board of Trade, and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the Non-performance thereof, shall be enforceable by or against the Board of Trade, to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the said Trustees of *Ramsgate* Harbour.

Accounts of Trustees of Ramsgate Harbour to be made up.

**25.** The Accounts for the Trustees of *Ramsgate* Harbour for the Period antecedent to the said Transfer shall be finally made up, and shall be audited, settled, allowed, approved, and transmitted to the Honourable the House of Commons, as required by the Acts relating to the Harbour; and thenceforth the Trustees and all Persons who at any Time shall have been Trustees of the Harbour, and their respective Representatives, shall be freed from all Liabilities whatsoever, under or by virtue of the Acts relating to the Harbour or any of them.

**26.** The

**26.** The Board of Trade shall out of the *Ramsgate* Harbour Fund indemnify the Trustees of *Ramsgate* Harbour and their respective Representatives from all Liabilities not arising from their own personal wrongful Act or Default, to which the Trustees at the Time of this Act coming into operation are or but for this Act would become subject.

Indemnification of Trustees of Ramsgate Harbour.

**27.** On and after the First Day of *January* One thousand eight hundred and sixty-two the Board of Trade may, for the Purpose of maintaining and improving the Harbour of *Ramsgate*, in lieu of the Rates heretofore levied, impose and levy Rates on Vessels entering and using the said Harbour, and on Goods shipped or unshipped in the said Harbour, not exceeding the Rates specified in the Schedule (A.) annexed to "The Burgh Harbours (*Scotland*) Act, 1853," with the Exceptions and Modifications herein-after mentioned; that is to say,

Rates to be taken in Ramsgate Harbour.

(1.) In the Case of any Vessel carrying Passengers the Board of Trade may, instead of levying a Tonnage Rate on the Vessel, levy on every Passenger embarking from or landing on the Pier or Piers of the said Harbour on or from the said Vessel, a Rate not exceeding Threepence, to be paid if demanded before the Passenger is allowed to embark or land:

(2.) On every Ton of Coal, Coke, or Culm shipped or unshipped in the said Harbour, the Board of Trade may levy a Rate not exceeding Sixpence:

(3.) Whenever any Vessel enters the Harbour in distress, and for the Purpose of repairing the said Vessel any Goods are unshipped therefrom, and the Rates upon the Unshipment of such Goods are duly paid, then if such Goods are afterwards re-shipped in the said Harbour without any Change in the Ownership thereof having taken place, no further Rates shall be leviable upon the said Goods in respect of such Reshipment:

(4.) No Rates shall be levied on Fishing Boats belonging to *Ramsgate*:

(5.) No Rate shall be levied on Vessels using the said Harbour solely as a Harbour of Refuge, and remaining therein not more than Sixty Hours:

And the Board of Trade may from Time to Time vary such Rates by reducing or raising the same, so that they do not exceed the Rates herein-before authorized.

**28.** On and after the First Day of *January* One thousand eight hundred and sixty-two, the Board of Trade shall be entitled to receive a Per-centage of Five Pounds in the Hundred on all Salvage paid or liable to be paid in respect of any Ship or Boat, or Cargo or Apparel of any Ship or Boat, or any Wreck or other Property, which may be

Board of Trade to receive Per-centage on Salvage.

be brought into the said Harbour; and such Per-centage shall be deducted from the Salvage, and shall be paid to the Board of Trade before the Remainder of the Salvage is paid over to the Salvors, and shall be recoverable by the same Means by which the Salvage is recoverable.

Gross Sum of 2,000*l.* to be paid to Mayor, &c. of Sandwich in lieu of annual Payment of 200*l.*

**29.** From and after the First Day of *January* One thousand eight hundred and sixty-two, the Sum of Two hundred Pounds a Year heretofore paid to the Mayor, Aldermen, and Burgesses of *Sandwich* out of the Revenues of the Harbour of *Ramsgate* shall cease, and in lieu thereof there shall be paid to them, on or before that Day, by the Board of Trade, out of the *Ramsgate* Harbour Fund hereinafter mentioned, a single Sum of Two thousand Pounds.

Application of the said Sum of 2,000*l.*

**30.** The said Mayor, Aldermen, and Burgesses shall apply the said Sum of Two thousand Pounds in Payment or Part Payment of any Debts lawfully charged on the said annual Sum of Two hundred Pounds, heretofore paid to them either alone or in common with other Property or Income of the said Mayor, Aldermen, and Burgesses; and the Remainder, if any, of such Debts, shall be paid by the said Mayor, Aldermen, and Burgesses out of any Rate or Rates they may have Power to levy in respect of the Harbour of *Sandwich;* and the said Mayor, Aldermen, and Burgesses may, notwithstanding any Prohibition contained in any Act of Parliament as to the maximum Amount of such Rate or Rates, raise the same to such Amount as may be necessary for satisfying such Debts as aforesaid.

Income of Ramsgate Harbour to be carried to Ramsgate Harbour Account.

**31.** All Money and Income received by the Board of Trade in pursuance of this Act shall be carried to a separate Account, entitled "The *Ramsgate* Harbour Fund Account," and, subject to any other Charges specified in this Act, the same shall be applied to the Management, Maintenance, and Improvement of the said Harbour.

Ramsgate Harbour Accounts to be rendered to the Treasury and signed by Accountant of Board of Trade.

**32.** The Board of Trade shall, whilst *Ramsgate* Harbour remains in their Hands, render to the Commissioners of Her Majesty's Treasury periodical Accounts of the whole of the Receipts and Expenditure in respect thereof, such Accounts to be signed and declared to by the Accountant appointed by the Board of Trade for that Purpose, and the said Commissioners shall cause the same to be examined and audited in such Manner as they think fit.

Such Accounts to be laid before Parliament.

**33.** The Board of Trade shall, as soon as practicable after the Meeting of Parliament in every Year, cause the Accounts of *Ramsgate* Harbour for the preceding Year to be laid before both Houses of Parliament.

**34.** Whereas

**34.** Whereas the Trustees of *Ramsgate* Harbour have established a Benefit or Superannuation Fund for Persons employed by them at weekly Wages, by means of Contributions from the Workmen, and of Sums added out of the Revenues of the Harbour: And whereas there is a considerable Capital now standing to the Credit of the said Fund: Be it enacted, That the Board of Trade shall either continue the said Benefit or Superannuation Fund in accordance with the Regulations now in force with respect to the same, or such other Regulations as may from Time to Time be approved by them, or shall wind up the said Fund in such a Manner that every Pension granted by the Trustees before the Fifteenth Day of *March* One thousand eight hundred and sixty-one, or granted by them after that Day and allowed by the Board of Trade, shall be fully paid, and that every Contributor not in receipt of a Pension granted before such Time as aforesaid shall be repaid the Amount he has contributed, with Interest at Three *per Centum per Annum:* In case the said Fund is wound up, the Capital of the said Fund now in the Hands of the Trustees shall be employed in satisfying its Liabilities; if the said Capital is insufficient for the Purpose, the Deficiency shall be made up out of the *Ramsgate* Harbour Fund, but if the said Capital is more than sufficient for the Purpose, any Surplus shall be carried to the Credit of the last-mentioned Fund.

Board of Trade may continue Ramsgate Harbour Superannuation Fund or wind up the same.

**35.** The Board of Trade shall allow Compensation or Superannuation Allowance to any Person in the Employ of the Trustees of *Ramsgate* Harbour not having Claims on the Benefit or Superannuation Fund herein-before mentioned, whose Salary or Emoluments are by reason of the passing of this Act abolished or made less than they were before the Fifteenth Day of *March* One thousand eight hundred and sixty-one, or who being continued in the Employ of the Board of Trade afterwards retires from the Service, so that no such Compensation or Superannuation Allowance shall exceed the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service, and so that no such Compensation or Superannuation Allowance shall be granted, except in the Cases and upon the Conditions in and upon which the same would or might be granted if such Persons had been employed in the Public Civil Service; and any Compensation or Superannuation Allowance so allowed shall be paid out of the *Ramsgate* Harbour Fund.

Board of Trade may allow Compensation to Persons deprived of Offices.

**36.** If at any Time whilst the Harbour of *Ramsgate* is vested in the Board of Trade, the Income and Revenue applicable to the Purposes of managing, maintaining, and improving the said Harbour of *Ramsgate* are insufficient for such Purposes, or for the other Purposes to which the said *Ramsgate* Harbour Fund is applicable, it shall be lawful

Deficiency of Income to be supplied by Monies voted by Parliament.

lawful for the Commissioners of Her Majesty's Treasury to advance such Sums as may be requisite for the said Purposes out of Monies to be provided for the Purpose by Parliament.

Harbour to be free from Rates.

**37.** The Harbour of Ramsgate shall not be assessed, rated, or liable to pay to any County, Parochial, or other Rates or Cesses; and *Ramsgate* Harbour, and all Property and Income vested in or belonging to the Board of Trade in respect of the said Harbour, and all Premises or Property used or applied by the Board of Trade for the Purpose of the said Harbour, and all Instruments or Writings used by the Board of Trade in respect of the said Harbour, shall be exempted from all public Taxes and Duties of every Kind; save only that Parochial or other local Rates shall still be payable on those Parts of the said Property at *Ramsgate* on which they have heretofore been paid.

Town Dues on Coal not to be levied in certain Cases.

**38.** No Dues shall be levied by the Commissioners for paving, lighting, watching, and improving the Town of *Ramsgate* on Coal, Culm, and Coke imported, landed, or shipped within the Parish or Harbour of *Ramsgate* in the following Cases; that is to say,

(1.) When the same are wholly and in good Faith consumed in and for the Purposes of the said Harbour or in Vessels lying in the said Harbour:

(2.) When the same are wholly and in good Faith consumed by the Engines or on the Premises of any Railway Company having Access by means of a continuous Line of Railway or Tramway to the said Harbour:

(3.) When the same are conveyed on any such Railway to and delivered from the same at any Place beyond the Parish of *Ramsgate*, and the adjoining Parish of *Saint Lawrence*, and are not thereafter delivered within either of those Parishes:

And if, in any of such Cases, Dues have in the first instance been paid to the said Commissioners, the Parties who have paid them shall be allowed a Drawback or Return thereof, to be paid by the said Commissioners out of any Funds under their Control; but if any Person fraudulently obtains or endeavours to obtain the said Drawback without being legally entitled to the same, he shall be liable for every such Offence to a Penalty not exceeding Fifty Shillings; and such Penalty may be recovered and shall be applied in the same Manner as Penalties are recovered and applied under the Act (Local and Personal) of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, watching, and improving the Parish of* Ramsgate *in the County of* Kent, *and for regulating the Police thereof.*

1 & 2 Vict. c. lxx. (Local.)

**39.** For

*Harbours.*

**39.** For the Purposes of *Ramsgate* Harbour, "The Harbours, Docks, and Piers Clauses Act, 1847," shall be deemed to be incorporated with this Act, and for the Purposes of such Incorporation this Act shall be deemed to be "the Special Act;" the Rates and Monies hereby made leviable on account of the Harbour of *Ramsgate* shall be deemed to be "the Rates authorized to be levied by the Special Act;" and the Board of Trade shall be deemed to be "the Undertakers."

Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

**40.** So much of the Sea Shore belonging to the Trustees of *Ramsgate* Harbour, and lying either to the Eastward or Westward of the said Harbour as is for the Time being used as a public Highway, or as lies between High and Low Water Mark, shall be deemed to be a public Highway within the Parish, so far and so far only as relates to any Offences committed thereon contrary to the Provisions of the said Act (Local and Personal) of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, watching, and improving the Parish of* Ramsgate *in the County of* Kent, *and for regulating the Police thereof*, for which the Offenders would have been liable to Fine, Penalty, or Forfeiture in case the same Offences had been committed on any other public Highway within the said Parish of *Ramsgate*.

Certain Parts of Property of Trust to be within Ramsgate Police Jurisdiction.

1 & 2 Vict. c. lxx. (Local.)

*Dover Harbour.*

**41.** From and after the passing of this Act, the Harbour of *Dover* and the Soil thereof, and all Property, Real and Personal, vested in the Warden and Assistants of the Harbour of *Dover* in the County of *Kent*, or in any Person in trust for the Purposes of the said Harbour, with their actual and reputed Appurtenances, subject to all Liabilities affecting the same, shall be transferred to and vested in a Board of Trustees, to be called "The *Dover* Harbour Board," constituted as herein-after mentioned; and the said *Dover* Harbour Board shall be a Body Corporate, with a perpetual Succession and a Common Seal, and having a Capacity to hold Lands subject to the Provisions of this Act.

Harbour of Dover to be vested in a Board of Trustees to be called "The Dover Harbour Board."

**42.** All Rights and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour of *Dover*, or the Property belonging thereto, or to the said Warden and Assistants of *Dover* Harbour, which may, by virtue of any Act of Parliament, Charter, or otherwise, be vested in or exerciseable by the Warden and Assistants of *Dover* Harbour, shall, on and after the passing of this Act, by force and virtue of this Act, be transferred to and vested in the said *Dover* Harbour Board.

Rights of imposing Rates transferred to Dover Harbour Board.

**43.** All

Existing Debts, &c. enforceable by or against Board.

**43.** All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Warden and Assistants of *Dover* Harbour, in respect of any Property, Powers, Rights, or Privileges transferred to the said *Dover* Harbour Board as aforesaid, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the *Dover* Harbour Board; and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the Nonperformance thereof, shall, on and after the passing of this Act, be enforceable by or against the said *Dover* Harbour Board to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the said Warden and Assistants of *Dover* Harbour.

After 1st January 1862 Board may impose Rates for Harbour Purposes.

**44.** After the First Day of *January* One thousand eight hundred and sixty-two the said *Dover* Harbour Board may, for the Purpose of maintaining and improving the said Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods landed or shipped in the Harbour, not exceeding the Rates specified in Schedule A. annexed to "The Burgh Harbours (*Scotland*) Act (1853)," and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Warden and Assistants, and which by this Act the said *Dover* Harbour Board are authorized, on and after the said First Day of *January* One thousand eight hundred and sixty-two, to levy as aforesaid.

Debts incurred prior to 15th March 1861, and secured on Passing Tolls, shall be paid by Board out of Rates.

**45.** Subject to the Right of the Creditor as reserved by this Act, all Debts legally incurred previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one, and secured on the Passing Tolls levied in respect of *Dover* Harbour, either alone or in common with other Property, shall be paid by the said Harbour Board out of any Rates they may have Power to levy, and out of any Real or Personal Property of which they may have become seised or possessed; and for the Purpose of paying such Debts, and the permanent Improvement of the said Harbour, the said Harbour Board may sell the Real and Personal Property vested in them as aforesaid, or any Part thereof, and apply the Monies arising from such Sale accordingly.

Compensation to Officers not re-appointed by Board to Offices of equal Value.

**46.** If any of the present Officers of the Warden and Assistants of *Dover* Harbour shall not be appointed by the said Harbour Board to the same Offices as those they now hold, or to others of an equal annual Value, then the said Harbour Board may, with the Consent

Consent of the Board of Trade, allow such Compensation or Superannuation Allowance as the said Harbour Board may think fit to any such Officer or Officers, but so that no such Compensation or Superannuation Allowance shall exceed the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service under the Act of the Twenty-second Year of the Reign of Her present Majesty, Chapter Twenty-six, or of any other Act for regulating such Compensation or Superannuation Allowance for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of the Revenue of the said Harbour Board.

**Constitution of Dover Harbour Board.**

**47.** The said *Dover* Harbour Board shall consist of Seven Members, Four of whom shall form a Quorum; the said Seven Members shall be the Lord Warden for the Time being of the Cinque Ports, Two Burgesses of the Borough of *Dover* elected by the Town Council every Three Years, and to be eligible for Re-election, a Member to be from Time to Time appointed by the President of the Board of Trade for the Time being, a Member to be from Time to Time appointed by the First Lord of the Admiralty for the Time being, a Member to be from Time to Time appointed by the *South-eastern* Railway Company under their Common Seal, and a Member to be from Time to Time appointed by the *London, Chatham, and Dover* Railway Company, under their Common Seal: Provided, that in the event of either or both of the said Railway Companies failing or declining to appoint a Member of the said Harbour Board within One Calendar Month after having been required so to do by the President of the Board of Trade, then such President shall, from and after such Default, be entitled thereafter to appoint from Time to Time another Member or Members in lieu thereof, as the Case may be; and the said Lord Warden shall *ex officio* be Chairman of the said Harbour Board; and the said Lord Warden shall also from Time to Time nominate under his Hand One of the Members of the said Harbour Board to be his Deputy, to preside at all Meetings at which the said Lord Warden shall not be present; and in the event of an Equality of Votes at any Meeting of the said Board the Chairman of such Meeting shall be entitled to a Casting Vote in addition to his ordinary Vote.

**Members of Board not to hold Places of Profit or be concerned in Contracts.**

**48.** No Member of the said Harbour Board shall enjoy any Office or Place of Profit under this Act; and no such Member shall directly or indirectly by himself or his Partner have any Share or Interest in or be in any Manner concerned in any Contract or Bargain relating to any Works to be ordered, done, or executed under the Provisions of this Act or any other Act, or any Charter, relating to *Dover* Harbour, or in the

Execution of any such Works, or in the supplying of any Materials for any such Works, or for the Use of the said Harbour or Board; and if any Member of the said Board shall disobey this Enactment, every such Member so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, and shall, upon being convicted of any such Offence, become then and be for ever afterwards incapable of being or acting as a Member of the said Board; and no such Contract or Bargain as aforesaid, which any such offending Member has entered into contrary to the Intent of this Enactment shall be enforced against the said Board: Provided nevertheless, that all Acts and Proceedings of any Person acting as a Member of the said Board previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be good, valid, and effectual.

Penalty for so offending.

Contracts and Bargains made contrary hereto to be void.

If the Debts are paid out of Public Monies, they may be recovered as Debts due to the Crown.

**49.** If at any Time any Debts hereby made payable by the said *Dover* Harbour Board are paid out of Monies provided by Parliament in pursuance of this Act, the Amount so paid shall be deemed to be a Debt due to the Crown from the said *Dover* Harbour Board, and shall be recoverable accordingly.

No new Debts to be incurred till existing Debts are discharged, without Treasury consent.

**50.** Until the Debts charged on the Revenues of *Dover* Harbour previously to the said Fifteenth Day of *March* One thousand eight hundred and sixty-one are discharged, it shall not be lawful for the *Dover* Harbour Board to charge the said Revenues or any Part thereof with any new Debt, or to undertake any new Works, without the Consent of the Commissioners of Her Majesty's Treasury.

Power to Corporation of Dover to transfer Dues to Harbour.

**51.** The Mayor, Aldermen, and Burgesses of *Dover*, herein-after called the Corporation, may at any Time hereafter, by Deed under their Common Seal, transfer to the said *Dover* Harbour Board, to be applied by them to the Purposes of the Harbour, all or any of their Powers, Rights, and Privileges, whether exercised by them in the Capacity of Corporation or of Local Board of Health, of levying Rates and Dues on Coal, Culm, and Coke imported, and of levying Rates and Dues on Ships or on Goods carried in Ships; and thereupon the said *Dover* Harbour Board may exercise the Powers, Rights, and Privileges so transferred in as full a Manner as but for such Transfer the said Corporation might have exercised the same.

Corporation and Harbour Board may apportion Debts as between themselves.

**52.** The said Corporation and the said *Dover* Harbour Board may, on any such Transfer as aforesaid, enter into such Arrangements as they may think fit, for the apportioning as between themselves the Incidence of any Debt charged on the Rates and Dues so transferred, and

and for granting Indemnities to each other for the Purpose of carrying such Arrangements into effect.

**53.** Any Creditor shall, in respect of any Advance made by him on the Security of the Rates and Dues hereby authorized to be transferred to the said *Dover* Harbour Board, have the same Claim against the said Rates and Dues when transferred to the said *Dover* Harbour Board, and against the said *Dover* Harbour Board to the Extent of the Rates and Dues so transferred, as he would, if such Transfer had not been made, have had in respect of the same Debt against such Rates and Dues in the Hands of the said Corporation and against the said Corporation in respect thereof.

Reservation of Rights of Creditors.

*Whitby and Bridlington Harbours.*

**54.** The Principal and Interest of all Debts which have previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one been legally charged on the Tolls or Revenues of the Harbours of *Whitby* or *Bridlington*, shall be chargeable upon the Consolidated Fund of the United Kingdom, and shall be paid in such Manner as the Commissioners of Her Majesty's Treasury may direct; and the Debt payable to the Public Works Loan Commissioners charged upon the Tolls or Revenues of the Harbour of *Bridlington* shall cease from the First Day of *January* One thousand eight hundred and sixty-two.

Debts on Harbours to be paid out of Consolidated Fund.

**55.** The Commissioners of Her Majesty's Treasury may allow out of Monies to be voted by Parliament such Compensation or Superannuation Allowance as they may think fit to any Person in the Employ of the Trustees of *Whitby* Harbour who by reason of the passing of this Act is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceeds the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service.

Compensation to Servants of Whitby Trustees.

**56.** It shall not be lawful for the Trustees of *Whitby* Harbour or the Commissioners of *Bridlington* Harbour to charge the Passing Tolls levied by them with any new Debts; nor shall it be lawful for them, until the First Day of *January* One thousand eight hundred and sixty-two, to undertake any new Works without the Consent of the Commissioners of Her Majesty's Treasury.

Trustees and Commissioners not to charge Passing Tolls with further Debts.

**57.** The Trustees of *Whitby* Harbour may, for the Purpose of maintaining and improving the Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods shipped or unshipped in the Harbour, not exceeding the Rates

Power to Trustees of Whitby Harbour to levy Rates.

Rates specified in Schedule A. annexed to "The Burgh Harbours (*Scotland*) Act, 1853," and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Trustees.

Power to Town Commissioners of Whitby to transfer Dues to Harbour.

**58.** The Commissioners acting under the Act of the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act for better paving, cleansing, lighting, watching, and improving the Town of* Whitby *in the North Riding of the County of* York, may, if they shall think fit, at any Time hereafter, by Deed transfer to the said Trustees of *Whitby* Harbour, to be applied by them to the Purposes of the Harbour, all or any of the Powers, Rights, and Privileges which they may possess of levying Rates and Dues on Coal or other Articles imported, or of levying Rates and Dues on Ships or on Goods carried in Ships; and thereupon the said Trustees may exercise the Powers, Rights, and Privileges so transferred in as full a Manner as but for such Transfer the said Commissioners might have exercised the same.

Reservation of Rights of Creditors.

**59.** Any Creditor shall, in respect of any Advance made by him on the Security of the Rates and Dues hereby authorized to be transferred to the said Trustees of *Whitby* Harbour, have the same Claim against the said Rates and Dues when transferred, and against the said Trustees to the Extent of the Rates and Dues so transferred, as he would, if such Transfer had not been made, have had in respect of the same Debt against such Rates and Dues in the Hands of the said Commissioners, and against the said Commissioners in respect thereof.

Trustees and Commissioners may apportion Debt as between themselves.

**60.** The said Trustees and Commissioners may, on every such Transfer as last aforesaid, enter into such Arrangements as they may think fit for the apportioning as between themselves the Incidence of any Debt charged on the Rates and Dues so transferred, and for granting Indemnities to each other for the Purpose of carrying such Arrangements into effect.

Vessels using Whitby Harbour to pay Toll for support of Tide Lights.

**61.** On and after the First Day of *January* One thousand eight hundred and sixty-two, all Vessels exceeding Ten Tons entering or leaving the Harbour of *Whitby* shall pay to the Trustees of *Whitby* Harbour such Sum or Toll, not exceeding One Penny *per* Ton, as such Trustees may from Time to Time direct to be paid to them, for the Support, Maintenance, and Improvement of the existing or any future Tide Lights at the Entrance of the Harbour: Provided always,

always, that any Vessel which shall have paid such Toll on entering the Harbour may again leave the Harbour without further Payment of Toll.

**62.** The Commissioners of *Bridlington* Harbour may, for the Purpose of maintaining and improving the Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods shipped or unshipped in the Harbour, not exceeding the Rates specified in Schedule (A.) annexed to "The Burgh Harbours (*Scotland*) Act, 1853," and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Commissioners.

Power to Commissioners of Bridlington Harbour to levy Rates.

**63.** For the Purpose of the Rates to be taken at the Harbours of *Dover*, *Whitby*, and *Bridlington*, so much of "The Harbours, Docks, and Piers Clauses Act, 1847," as relates to the Collection and Recovery of Rates, shall be deemed to be incorporated with this Act, and for the Purposes of such Incorporation this Act shall be deemed to be "the Special Act;" the Rates and Monies hereby made leviable on account of the said Harbours shall be deemed to be "the Rates authorized to be levied by the Special Act;" and each of the Authorities hereby authorized to levy such Rates shall be deemed to be "the Undertakers."

Incorporation of Harbours, Docks, and Piers Clauses Act.

## Part VIII.—Miscellaneous.

**64.** Whereas by the Act of the Ninth and Tenth *Victoria*, Chapter Three hundred and forty-six, Local and Personal, a Tax of Two Shillings was made payable to the Marine Society by certain Fishing Vessels passing the *Nore*, and the said Fishing Vessels were exempted from all other Claims, Dues, and Customs: And whereas by the Act of the Twenty-second and Twenty-third *Victoria*, Chapter Twenty-nine, the said Provisions of the Act of the Ninth and Tenth *Victoria*, Chapter Three hundred and forty-six, were repealed: And whereas Doubts are entertained whether such Repeal may not have revived other Taxes formerly payable by Fishing Vessels to the said Marine Society, and it is expedient that such Doubts be removed: Be it enacted, That nothing in the said Act of the Twenty-second and Twenty-third *Victoria*, Chapter Twenty-nine, shall be deemed to have revived any Taxes or Rates which, but for the said Act of the Ninth and Tenth *Victoria*, Chapter Three hundred and forty-six, would have been payable to the said Marine Society.

Nothing in 22 & 23 Vict. c. 29. deemed to revive Taxes, &c. which, but for 9 & 10 Vict. c. ccxlvi., would have been payable to Marine Society.



**65.** The

Title of Board of Trade.

**65.** The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations may be described in all Acts of Parliament, Deeds, Contracts, and other Instruments, by the official Title of "the Board of Trade" without expressing their Names, and all Acts of Parliament, Contracts, Deeds, and other Instruments wherein they are so described shall be as valid as if the said Lords or any of them had been named therein.

Vesting of Property in Board of Trade.

**66.** All Lands and Hereditaments heretofore purchased or taken by or in the Name or Names of any Person or Persons, for the Use of the Department of the Board of Trade, and all Lands and Hereditaments hereby transferred to and vested in the Board of Trade, and all Lands and Hereditaments that may hereafter be conveyed to the Board of Trade, or to any other Person or Persons for the Use of the Department of the Board of Trade, shall, upon and after the passing of this Act, vest in the Persons for the Time being constituting the Board of Trade, and upon their vacating their Offices shall be transferred to and vested in their Successors in Office, in a perpetual Succession, and shall be held by such Persons and their Successors in Office on trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Execution of Instruments.

**67.** Any Deed, Contract, or other Instrument to be executed by or on behalf of the Board of Trade shall be valid if under the Seal of the Board of Trade and signed by the President or Vice President thereof, or signed, if there be no President or Vice President, by any One of Her Majesty's Principal Secretaries of State.

Disposition of Monies arising from Sale.

**68.** The Monies to arise by any Sale of Land made by the Board of Trade shall be paid to such Persons as the said Board appoint, and a Receipt signed by the President or Vice-President of the said Board, or, if there be no such Officers, by any One of Her Majesty's Principal Secretaries of State, shall be an effectual Discharge to the Purchaser.

Power of Board of Trade to Purchase Lands.

**69.** The Board of Trade may purchase any Lands they may require for the Public Service; and for the Purposes of such Purchase the Clauses of "The Lands Clauses Consolidation Act, 1845," and of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and of any Act amending the same, with the Exception of such Clauses of the said Acts as relate to the Purchase of Lands otherwise than by Agreement, and to Access to the Special Act, shall be incorporated with this Act.

FIRST

## FIRST SCHEDULE.

NAME of AUTHORITY.

The Trinity House of Kingston-upon-Hull.
The Trinity House of Newcastle-on-Tyne.
The Fraternity of Hostmen of Newcastle-on-Tyne.
The Society of Keelmen on the River Tyne.
The Trinity Corporation of Leith.
The Guildry Incorporation of Perth.
The Fraternity of the Masters and Seamen of Dundee.

## SECOND SCHEDULE.

STATUTES referring to DIFFERENTIAL DUES.

| Year and Chapter. | Title of Act. | Sections. |
|---|---|---|
| 59 Geo. 3. c. 54. | An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal. | Section 9. |
| 8 & 9 Vict. c. 90. | An Act for granting Duties of Customs. | Sections 9, 10, 11, & 12. |
| 20 & 21 Vict. c. 62. | An Act for the Alteration and Amendment of the Laws and Duties of Customs. | Section 17. |

## THIRD SCHEDULE.

SPECIAL TAXES at DUBLIN.

| Name of Tax. | Act under which levied. |
|---|---|
| Duty on Vessels of Twopence per Ton - -<br>Two Shillings and Sixpence upon every Entry Inwards made in the Port of Dublin.<br>Two Shillings and Sixpence upon every Entry Outwards made in the Port of Dublin. | 45 G. 3. c. 18. (Schedule D.) |
| Duties leviable in respect of the several Persons and Matters specified in the Schedule to the Act mentioned in the next Column. | 56 G. 3. c. 62. |

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. XLVIII.

## An Act to provide for the Costs of certain Proceedings to be taken under the Landlord and Tenant Law Amendment (*Ireland*) Act (1860).

[1st *August* 1861.]

WHEREAS by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and fifty-four, intituled *An Act to consolidate and amend the Law of Landlord and Tenant in* Ireland, the Jurisdiction of the Civil Bill Courts in *Ireland* has been enlarged, and additional Jurisdiction has been given to the Chairmen of Quarter Sessions in *Ireland*, and it is necessary to make Provision for Payment of the Costs and Expenses in respect of such enlarged or additional Jurisdiction: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

23 & 24 Vict. c. 154.

1. It shall be lawful for any Five or more of the Chairmen of Quarter Sessions in *Ireland*, to be from Time to Time appointed by the Lord Chancellor of *Ireland* for the Purpose, to fix a Scale of Fees to be paid to the Process Server, Clerk of the Peace, Attorney, Counsel,

Five or more Chairmen of Quarter Sessions in Ireland to be appointed by the Lord

Chancellor to fix a Scale of Fees, and to make Regulations as to Taxation of Costs.

Counsel, Sheriff or other Officers, or Persons engaged in the Service, Conduct, and Execution of Proceedings under the enlarged and additional Jurisdiction created by the said recited Act, and to be chargeable against any Plaintiff or Defendant, Appellant or Respondent, or other Person entitled to institute, intervene in, or become Party to any Proceeding in the Courts of such Chairmen under the enlarged or additional Jurisdiction created by the said recited Act; and such Chairmen so appointed shall make such Regulations as to the Taxation and Payment of such Costs, Fees, and Expenses as shall appear to them expedient, and shall from Time to Time, as Occasion may require, alter and amend the same: Provided always, that such Costs, Fees, Expenses, and Regulations shall not be of any Validity until the same shall have been sanctioned by the Chief Justice of *Ireland*, by the Chief Justice of the Court of Common Pleas in *Ireland*, and by the Chief Baron of the Court of Exchequer in *Ireland*, or by Two of such Judges.

Fees, &c. so fixed shall alone be allowed to be taken in any Proceeding under the enlarged Jurisdiction given by the said recited Act.

2. The Scale of Fees, Costs, and Expenses which shall from Time to Time be fixed by the Chairmen of Quarter Sessions so appointed for the Purpose as the Fees, Costs, and Expenses payable under the enlarged or additional Jurisdiction given by the said recited Act shall be the Fees, Costs, and Expenses chargeable as between Party and Party against any Plaintiff or Defendant, Appellant or Respondent, or other Person instituting or intervening in any Proceeding under the said recited Act, and no other Fees or Charges shall be allowed in any Bill of Costs between Party and Party, or in any Decree or Dismiss, or in any Order for Payment of Costs, other than those which shall be so fixed by the said Chairmen named as aforesaid.

14 & 15 Vict. c. 57. and 21 & 22 Vict. c. 88. to be construed with this Act as One Act.

3. The Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, intituled *An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in* Ireland, *and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors*, and the Act passed in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-eight, amending the said last-mentioned Act, shall be construed with this Act as One Act; and Words interpreted in the said Acts passed in the Fourteenth and Fifteenth Years of Her Majesty, and in the Twenty-first and Twenty-second Years of Her Majesty respectively, and in the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and fifty-four, intituled *An Act to consolidate and amend the Law of Landlord and*

Interpretation of Terms.

*and Tenant in* Ireland, shall, when used in this Act, have the same Meanings as are assigned to them respectively by the said hereinbefore mentioned Acts.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

may be to a local although not a District or certified Bridewell

local or neighbouring Bridewell, although the same may not be a District or certified Bridewell, any Act or Acts of Parliament or Law to the contrary in anywise notwithstanding.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

* ***\

Time or from Time to Time be provided by Parliament for the Purpose, such Sum and Sums of Money as shall be sufficient to pay to such Officers and Men who formerly acted as the Police in Her Majesty's Yards, and who joined the Metropolitan Police Force, such Amount of Pensions as the said Officers and Men would or might have become entitled to had they continued to act as Police in Her Majesty's Yards, without being appointed Constables in the Metropolitan Police Force.

Exemption from Deduction from Pay authorized by Sect. 22 of 2 & 3 Vict. c. 47.

**2.** The Officers and Men who formerly acted as the Police in Her Majesty's Yards, and who joined the Metropolitan Police Force as aforesaid, are hereby exempted from the yearly Rate of Deduction from their Pay which by the Twenty-second Section of the Act passed in the Session holden during the Second and Third Years of Her Majesty's Reign is authorized to be deducted from the Pay of every Constable belonging to the Metropolitan Police Force.

Penalty for assaulting, &c. Police when in execution of their Duty.

**3.** If any Person shall assault or resist any Constable belonging to the Metropolitan Police Force acting in the Execution of his Duty, or shall aid or incite any Person so to assault or resist, every such Offender, being summarily convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds, as the said Justices shall think meet, or, in the Discretion of the Justices before whom he is convicted, may be imprisoned for any Term not exceeding One Calendar Month; and the said Justices are hereby authorized to issue Warrants of Distress to levy any such Sum or Sums by Distress and Sale of the Offender's Goods; and every such Sum which shall be so paid or levied shall be applied as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, or the Principal Secretary of State for the War Department, shall direct, any Law, Statute, Charter, or Custom to the contrary notwithstanding.

Application of Penalties.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

## CAP. LII.

### An Act to empower the Governors of the several *Australian* Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies.

[1st *August* 1861.]

WHEREAS by the Thirteenth and Fourteenth Sections of the Passengers Act, 1855, certain Rules are prescribed for determining the Number of Passengers to be carried in Passenger Ships, and the Decks on which Passengers may be carried: And whereas it is expedient to empower the Governor of any of Her Majesty's Colonies in *Australasia* to substitute, if he shall think fit, other Rules on these Points for Vessels carrying Passengers from any such Possession to any other of Her Majesty's Possessions in *Australasia*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 18 & 19 Vict. c. 119.

1. It shall be lawful for the Governor of each of Her Majesty's Colonies already or hereafter to be established in *Australasia*, by any Proclamation to be by him from Time to Time issued for the Purpose (which Proclamation shall take effect from the issuing thereof, if no Day shall be named therein for the Purpose), to prescribe such Rules as. Power to Governors of the Australasian Colonies to proclaim Rules as to the Number

of Passengers to be carried, &c. in Ships plying between the Australasian Ports.

as he shall think proper for determining the Number of Passengers to be carried in any Passenger Ship which shall proceed from any such Colony to any other of Her Majesty's Possessions for the Time being in *Australasia*, and for determining on what Deck or Decks, and subject to what Reservations or Conditions, Passengers may be carried, and also to prescribe such Penalties for the Infraction or Nonobservance of such Rules as to such Governor may seem proper.

While Proclamation in force, Rules of the Imperial Passengers Act on the same Subject not to apply to such Intercolonial Voyages.

**2.** From the Time when any such Proclamation shall take effect, and so long as the same shall continue in force, the Rules and Enactments contained in the said Passengers Act, 1855, relating to the Number of Passengers to be carried in any "Passenger Ship," and the Deck or Decks whereon they are to be carried, shall cease to apply to any Vessel to which such Proclamation shall be applicable, save only as to the Recovery and Application of any Penalty for any Offence committed against the said Act before such Proclamation shall take effect.

Requirements of Proclamations to be enforced in all British Possessions as if they were Part of the Imperial Passengers Act

**3.** The Provisions and Requirements of every such Proclamation shall be enforced in the same Manner, and in all Her Majesty's Dominions, as if they were incorporated in the said Passengers Act, or in any Act of a like Nature which may hereafter be passed by the Legislature of the United Kingdom, and a Copy of any such Proclamation, purporting to be under the Hand of the Governor of the Colony wherein the same may have been issued, and under the Public Seal of such Colony, shall in any Part of Her Majesty's Dominions wherein the same shall be produced be received as good and sufficient Evidence of the due issuing and of the Contents of such Proclamation, unless it shall be proved that such Copy is not genuine.

Interpretation of Terms.

**4.** The Expression "Governor," "Passenger Ship," "Passenger," shall in this Act have respectively the same Signification as in the said Passengers Act, 1855; and the Term "*Australasia*" shall signify and include *New Zealand* and *Tasmania* as well as *Australia* Proper; and Words of One Number shall import both Numbers, unless inconsistent with the Context.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

previously filled in, shall, on any Day subsequent to Notice given by the Returning Officer of the Day for proceeding to Election, be signed by the Voter in the Presence of a Justice of the Peace for the County or Borough in which such Voter shall be then residing; and the said Justice shall certify and attest the Fact of such Voting Paper having been so signed in his Presence, by signing at the Foot thereof a Certificate or Attestation in the Form or to the Effect prescribed in the said Schedule, with his Name and Address in full, and shall state his Quality as a Justice of the Peace for such County or Borough.

**Voting Papers to be read, and Votes recorded.**

2. The Voting Paper, signed and certified as aforesaid, may be delivered to the Vice Chancellor of the University for which the Election is held, or to any Pro Vice Chancellor appointed by him, or, in the Case of the University of *Dublin*, to the Provost of *Trinity College*, or to any Person lawfully deputed to act for him, at any One of the appointed Polling Places, during the appointed Hours of Polling, by any One of the Persons therein nominated in that Behalf, who shall, on tendering such Voting Paper at the Poll, read out the same; and the said Vice Chancellor, Pro Vice Chancellor, Provost, or Deputy shall receive the Voting Papers as the same shall be delivered, and shall cause the Votes thereby given, or such of them as may not appear to be contrary to the Provisions of this Act, to be recorded in the Manner heretofore used, in all respects as if such Votes had been given by the Electors attending in Person; and all Votes so recorded shall have the same Validity and Effect as if they had been duly given by the Voters in Person: Provided always, that no Person shall be entitled to sign or vote by more than One Voting Paper at any Election, and that no Voting Paper containing the Names of more Candidates than there are Burgesses to be elected at such Election shall be received or recorded: Provided also, that no Voting Paper shall be received or recorded unless the Person tendering the same shall make the following Declaration, which he shall sign at the Foot or Back thereof:

'I solemnly declare, that I am personally acquainted with *A. B.* '[the Voter], and I verily believe that this is the Paper by 'which he intends to vote pursuant to the Provisions of the Uni-'versities Elections Act.'

Provided also, that no Voting Paper shall be so received and recorded if the Voter signing the same shall have already voted in Person at the same Election: Provided also, that every such Elector shall be entitled to vote in Person, notwithstanding that he has duly signed and transmitted a Voting Paper to another Elector, if such Voting Paper has not been already tendered at the Poll.

3. It

3. It shall be lawful for any Person now by Law or Custom authorized on behalf of any Candidate to object to Votes to inspect any Voting Paper tendered at the Poll before the same shall be received or recorded, and to object to it on One or more of the following Grounds:

Voting Papers may be inspected by any Person now entitled to object to Votes.

1. That the Person on whose Behalf the Voting Paper is tendered is not qualified to vote:
2. That the Person tendering the Voting Paper is not duly qualified in that Behalf:
3. That the Person in whose Behalf the Voting Paper is tendered has already voted at that Election in Person or by Voting Paper:
4. That the Voting Paper bears Date anterior to Notice given by the Returning Officer of the Day for proceeding to Election:
5. That the Voting Paper is forged or falsified:

And the Returning Officer, his Deputy or Assessor, or any Officer having by Law or Custom Power to decide Objections in respect of Votes tendered by Voters attending the Poll in Person, shall have Power to put Questions to the Person tendering such Voting Paper, and to reject, receive. and record, or receive and record as objected to or protested against, any Votes tendered by Voting Papers: Provided, that in case the Objection offered to any Voting Paper shall be that it is forged or falsified, such Returning or other Officer shall receive and record such Voting Paper, having previously written upon it, "Objected to as forged," or "Objected to as falsified," together with the Name of the Person making such Objection.

4. All Voting Papers received and recorded at such Election, as well as any Voting Papers rejected for Informality or on any other Ground, shall be filed and kept by the Officer entrusted with the Care of the Poll Books or other Documents relating to the said Election; and any Person shall be allowed to examine such Voting Papers at all reasonable Times, and to take Copies thereof, upon Payment of a Fee of One Shilling.

Voting Papers to be filed.

5. Any Person falsely or fraudulently signing any Voting Paper in the Name of any other Person, either as a Voter or as a Witness, whether such other Person shall be living or dead, and every Person signing, subscribing, endorsing, attesting, certifying, tendering, or transmitting as genuine any false or falsified Voting Paper, knowing the same to be false or falsified, and any Person falsely making any such Declaration as aforesaid, or such Declaration as is contained in the Schedule, or with fraudulent Intent altering, defacing, destroying, withholding, or abstracting any Voting Paper,

Penalty for falsely signing Voting Papers.

Paper, and any Person wilfully making a false Answer to any Question put to him by the Returning or other Officer as herein-before provided, shall be guilty of a Misdemeanor, and punishable by Fine, or Imprisonment for a Term not exceeding One Year.

Voting Papers not liable to Stamp Duty.

**6.** No such Voting Paper as herein-before mentioned shall be liable to any Stamp Duty.

## SCHEDULE.

UNIVERSITY ELECTION, 18

I *A.B.* [*the Christian and Surnames of the Elector in full, his College or Hall, if any, and his Degree or Academical Rank or Office, if any, to be here inserted*], do hereby declare, that I have signed no other Voting Paper at this Election, and do hereby give my Vote at this Election for

And I nominate *C.D.*
*E.F.*
*G.H.*

or One of them, to deliver this Voting Paper at the Poll.

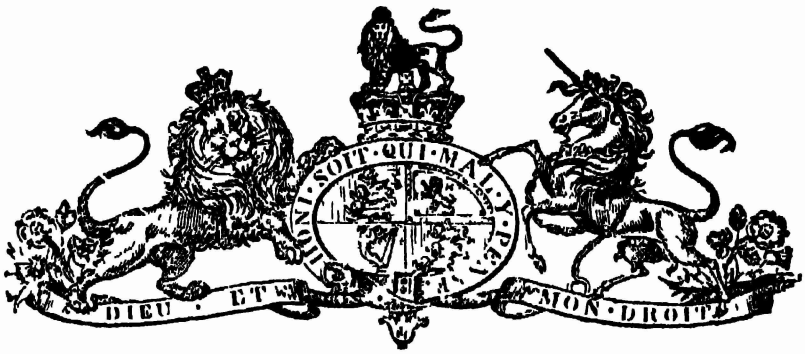
Witness my Hand this Day of 18

(Signed) *A. B.* of [*the Elector's Place of Residence to be here inserted*].

Signed in my Presence by the said *A.B.*, who is personally known to me, on the above-mentioned Day of 18 , the Name [*or* Names] of as the Candidate [*or* Candidates] voted for having been previously filled in.

(Signed) *Z.M.* of [*the Witness's Place of Residence to be here inserted,*]
a Justice of the Peace for

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. LV.

## An Act to amend the Laws regarding the Removal of the Poor and the Contribution of Parishes to the Common Fund in Unions.

[1st *August* 1861.]

WHEREAS it is desirable that the Laws for the Removal of the Poor should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of Sect. 1. of 9 & 10 Vict. c. 66. as prescribes a Residence of 5 Years to be altered to 3 Years, &c.

1. That after the Twenty-fifth Day of *March* next the Period of Three Years shall be substituted for that of Five Years specified in the First Section of the Statute Ninth and Tenth *Victoria*, Chapter Sixty-six, and the Residence of a Person in any Part of a Union shall have the same Effect in reference to the Provisions of the said Section as a Residence in any Parish.

Provision for Orphan Children under 16 Years of Age.

2. Where a Child under the Age of Sixteen Years, residing with its surviving Parent, shall be left an Orphan, and such Parent shall at the Time of Death have acquired an Exemption from Removal by reason of a continued Residence, such Orphan shall, if not otherwise irremovable,

movable, be exempt from Removal in like Manner and to the same Extent as if it had then acquired for itself an Exemption from Removal by Residence.

Provision for deserted Wives.

**3.** Where a married Woman shall have been or shall be deserted by her Husband, and shall after his Desertion reside for Three Years in such a Manner as would, if she were a Widow, render her exempt from Removal, she shall not be liable to be removed from the Parish wherein she shall be resident, unless her Husband return to cohabit with her.

Chargeability of Wayfarers.

**4.** Where any destitute Wayfarer, Wanderer, or Foundling shall be or become chargeable upon the Common Fund of any Union, the Cost of the Relief of such Wayfarer, Wanderer, or Foundling shall continue to be charged to such Common Fund until the Relief shall be discontinued.

Chargeability of sick Persons.

**5.** When any Person shall be or become chargeable upon the Common Fund of a Union, by reason of some Accident or Sickness which will not produce permanent Disability, the Chargeability upon such Fund shall cease when the Person shall be cured, and thenceforth, if the Relief continue, the Cost thereof shall be charged to the Parish where the poor Person shall be then residing unless he shall be in the Workhouse of the Union, and in such Case it shall be charged to the Parish wherein he was residing when he was removed to such Workhouse, and the Overseers of the Parish so charged may apply for and obtain an Order of Removal.

Lunatics to be chargeable upon the Common Fund.

**6.** The Cost of the Examination of any Lunatic Pauper, present or future, of his Removal to and from, and his Maintenance in any Asylum, Licensed House, or Registered Hospital, who would under any Provision of the Sixteenth and Seventeenth *Victoria*, Chapter Ninety-seven, be chargeable to a Parish in a Union, shall from and after the Twenty-fifth Day of *March* next be borne by the Common Fund of the Union comprising such Parish.

Orders in Lunacy may be obtained by or appealed against by Boards of Guardians.

**7.** The Guardians of any Union may obtain Orders upon the Guardians of any other Union, or upon the Guardians or Overseers of any Parish not comprised in a Union, or upon the Treasurer of the County, and may appeal against or defend any Orders in respect of any Lunatic Paupers hereby made chargeable upon the Common Fund of the Union, in like Manner and subject to the same Incidents and Provisions as are contained in the said last cited Act, in respect of Lunatic Paupers chargeable to any Parish in such Union: Provided that every Appeal now pending may be continued and determined as though this Act had not been passed.

Proviso for pending Appeals.

**8.** The

*Irremoveable Poor.*

8. The temporary Provisions of the several Statutes whereby the Costs of the Relief, Burial, and Maintenance of certain Paupers have been made chargeable upon the Common Fund of Unions until the End of this Session of Parliament are hereby made perpetual.

Chargeability of Union Paupers on Common Fund made perpetual.

9. And whereas it is also expedient to alter the Mode in which the Contributions of Parishes to the Common Fund of the Union in which they are comprised are now calculated: Be it therefore enacted, That after the Twenty-fifth Day of *March* next the several Parishes comprised in any Union already formed or hereafter to be formed under the Provisions of the Fourth and Fifth of *William* the Fourth, Chapter Seventy-six, shall contribute to the Common Fund thereof, in proportion to the annual rateable Value of the Lands, Tenements, and Hereditaments in such Parishes respectively assessable by the Laws in force for the Time being to the Relief of the Poor, and in no other Manner, whether the Lands, Tenements, and Hereditaments shall be actually rated or not, and whether the Rate levied shall be collected in full or upon any Composition: Provided always, that nothing herein contained shall alter or affect the Liability of any Parish comprised in any such Union in regard to any Charge lawfully created in the said Union, and secured upon the Poor Rates of all or any of the Parishes comprised therein, which shall have been created at any Time previous to the said Twenty-fifth Day of *March*; but the same shall continue to be charged and payable in like Manner as it would by Law have been charged and payable if this Act had not been passed; provided also, that nothing herein contained shall apply to any Contribution which shall be in arrear from any Parish in such Union on the said Twenty-fifth Day of *March*, but the same shall be recoverable and shall be applicable in the same Manner as if this Act had not been passed.

Parishes comprised in any Union formed under 4 & 5 W. 4. c. 76. to contribute to Common Fund according to the annual Value of rateable Property.

Proviso as to Liabilities.

Proviso for Contributions in arrear.

10. The Guardians of every such Union, in computing the Amount of Contribution to the Common Fund from the several Parishes, shall take the annual rateable Value of such Property in every Parish therein from the Valuation upon which such Parish was assessed to the County Rate, or, where there is no County Rate, to the Borough or Ward Rate, or other Rate in the Nature of a County Rate, in the last Assessment made not less than One Month next preceding the Day when the Order for such Contribution is made.

Mode of ascertaining the annual rateable Value.

11. No Order of Guardians for Contribution purporting to be made in accordance with this Act shall be deemed to be void by reason of any Error in the Estimate of the rateable Value of the Property in any Parish in the Union upon which the Contribution shall have been calculated; but every Parish affected by such Error shall

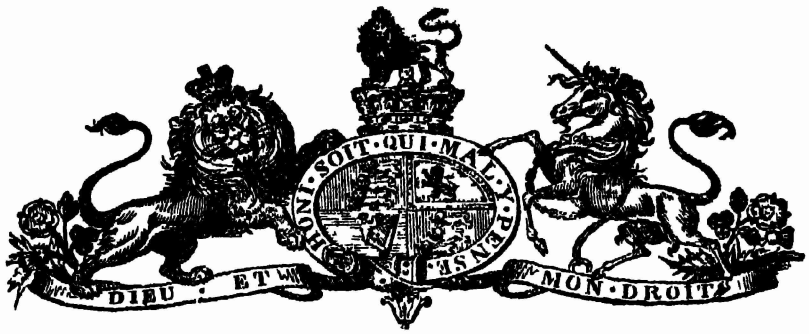
No Order for Contribution to be deemed void by reason of Error in the Calculation.

shall be entitled to have the same set right in the making out and closing of the Accounts of the Union or at the Audit thereof.

Interpretation of Terms, and Consolidation of the Acts.

**12.** The Words used in this Act shall be construed in the like Manner as in the said Act of King *William* the Fourth; and the Provisions contained therein and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Barristers appointed to act for others during Illness to be paid out of their Salaries.

2. Any Barrister who shall be appointed under the Provisions of the said recited Act to do the Duty of any such Revising Barrister who may be unable from unavoidable Absence or Illness to discharge his Duties as such Revising Barrister shall be paid such Compensation for his Labour and Trouble therein, not exceeding Five Guineas for every Day that he shall be so employed, as the Lord Chancellor, Keeper, or Commissioner of the Great Seal of *Ireland* for the Time being shall think fit; such Sums to be paid out of the Salary by this Act provided for such Revising Barrister.

20 & 21 Vict. c. 68. and this Act to be as One.

3. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if this Act and the said recited Act were One Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. LVII.

### An Act to continue an Act of the Fifth and Sixth Years of Her Majesty relating to private Lunatic Asylums in *Ireland*. [1st *August* 1861.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, Chapter One hundred and twenty-three, for amending the Law relating to private Lunatic Asylums in *Ireland*: And whereas the said Act was continued by the Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter Seventy-six, until the First Day of *August* One thousand eight hundred and sixty and until the End of the present Session of Parliament: And whereas it is expedient that the said first-recited Act should be further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 123.

18 & 19 Vict. c. 76.



1. The

5 & 6 Vict. c. 123. continued.

1. The said first-recited Act shall continue in force until the First Day of *August* One thousand eight hundred and sixty-five and until the End of the then next Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. LVIII.

### An Act to continue an Act of the Eleventh and Twelfth Years of Her Majesty relating to the Collection of County Cess in *Ireland*.

[1st *August* 1861.]

WHEREAS by an Act passed in the Eleventh and Twelfth Years of Her Majesty, Chapter Thirty-two, certain Provisions are made relating to the Collectors of County Cess in *Ireland*: And whereas by certain other Acts subsequently passed, and more especially by an Act passed in the Sixteenth Year of Her Majesty, Chapter Thirteen, the said Provisions were revived and continued as therein mentioned: And whereas by an Act passed in the Twentieth and Twenty-first Years of Her Majesty, Chapter Seven, the said Provisions were revived and continued, and amended as therein mentioned: And whereas by an Act passed in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Twenty-three, the said Provisions were further continued for Two Years from and after the passing of that Act: And whereas it is expedient that the said Provisions should be further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 32.

16 Vict. c. 13.

20 & 21 Vict. c. 7.

22 & 23 Vict. c. 23.



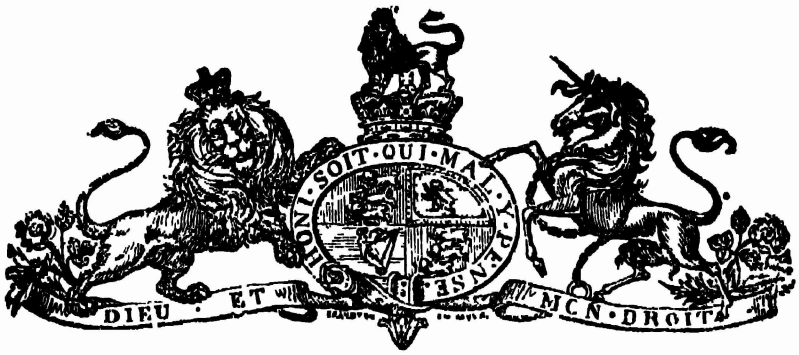
1. The

*County Cess (Ireland) Act Continuance.*

Provisions in first-recited Act relating to Collection of County Cess continued.

1. The Provisions contained in the said first-recited Act relating to the Collection of County Cess in *Ireland*, subject to the Amendments thereof contained in the said thirdly-recited Act, shall be further continued, and shall remain in force until the First Day of *August* One thousand eight hundred and sixty-three, and until the End of the then next Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. LIX.

## An Act to facilitate Proceedings before Justices under the Acts relating to Vaccination.

[1st *August* 1861.]

WHEREAS it is expedient to make further Provisions in relation to Proceedings before Justices under the following Acts; that is to say,—

An Act passed in the Session holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Twenty-nine, intituled *An Act to extend the Practice of Vaccination:* 3 & 4 Vict. c. 29.

An Act passed in the Session holden in the Fourth and Fifth Years of the Reign of Her present Majesty, Chapter Thirty-two, intituled *An Act to amend an Act to extend the Practice of Vaccination:* 4 & 5 Vict. c. 32.

An Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred, intituled *An Act further to extend and make compulsory the Practice of Vaccination:* 16 & 17 Vict. c. 100.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:



1. This

*Vaccination.*

Short Title.

1. This Act may be cited for all Purposes as "The Vaccination Acts Amendment Act, 1861."

As to Institution of legal Proceedings and Payment of Expenses of the same.

2. The Guardians of any Union or Parish, or the Overseers of any Parish where the Relief to the Poor is not administered by Guardians, may appoint some Person to institute and conduct Proceedings for the Purpose of enforcing Obedience to the said Acts or any of them within their Union or Parish; and as to all Expenses incurred by any Person so appointed, or by any Registrar of Births and Deaths, or by any Medical Officer of Health appointed under an Act of Parliament, in Proceedings for enforcing Penalties under the said Acts or any of them, if the Justices or Court before whom such Proceedings are had certify that such Expenses ought to be allowed, such Court or Justices shall ascertain the Amount thereof, and such Amount shall be payable out of the Rates for the Relief of the Poor of the Parish where the Person for the Time being dwells in respect of whose Default or Offence the same were instituted; and the Court or Justices shall ascertain the Amount of such Expenses. And Proceedings for enforcing Penalties under any of the said Acts, on account of Neglect to have a Child vaccinated, may be taken at any Time during which the Parent or Guardian is in default.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Voters, &c. objected to on or before 24th August in each Year.

Objection shall have been given to such Clerk of the Peace or Town Clerk respectively, in the Manner provided by the said recited Act, on or before the Twenty-fourth Day of *August* in every Year, instead of on or before the Twenty-second Day of *August* in every Year, as required by the said recited Act.

This Act incorporated with recited Act.

2. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if this Act and the said recited Act were One Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO,

# VICTORIÆ REGINÆ.

***

Every Local Authority invested with Powers of Town Government may adopt any Part of Local Government Act:

Provision for Election of such Local Authorities when elected for Life at the Time of adopting Local Government Act.

2. The Power of adopting any Part of "The Local Government Act, 1858," given by the Fifteenth Section of that Act to any Corporation or Body of Commissioners exercising Powers for sanitary Regulation under the Provisions of any Local Act, shall extend to every Local Authority invested with Powers of Town Government and Rating by any Local Act, by whatever Name such Local Authority is called, and the Words "Local Board" or "Board of Commissioners" as used in the said Local Government Act shall apply to such Local Authority: Provided always, that whenever the Members of such Local Authority are elected for Life they shall adopt, in lieu of the Provisions for Elections contained in the Local Act, the Provisions for and in relation to Elections prescribed by "The Public Health Act, 1848," and "The Local Government Act, 1858," and within One Month of such Adoption One Third of the Members of such Local Authority shall retire, the Order of Retirement to be fixed by the Local Authority, and the Election of Members in lieu of such retiring Members shall be governed in all respects by the said "Public Health Act, 1848," and "Local Government Act, 1858," and be conducted by the Chairman of the Local Authority: Provided also, that such Adoption shall not affect the Qualification fixed for Members of such Local Authority by the Local Act under which it is constituted, or the Qualification and Tenure of Office of *ex-officio* Members of such Local Authority.

Accounts of Improvement Commissioners acquiring borrowing Powers under Local Government Act to be subject to the Provisions of that Act relating to Audit.

3. When any Board of Improvement Commissioners acquires Powers of rating or borrowing Money under the Fifteenth Section of the "Local Government Act, 1858," the Provisions in relation as to Audit of that Act, or of any Act amending that Act, shall be in force in the Case of such Commissioners, as if such Provisions were contained in the Local Act under which they are constituted; and when the Provisions as to Audit of such Local Act are repugnant to or inconsistent with those of the Local Government Act, or any Act amending that Act, then the Audit shall be conducted under the Provisions of the last-mentioned Act.

Local Board may exercise Powers of Sect. 45. of 11 & 12 Vict. c. 63. also without their District, if necessary, for Purposes of Outfall or Distribution of Sewage, on making Compensation.

4. Local Boards may exercise the Powers given by the Forty-fifth Section of "The Public Health Act, 1848," also without their District, for the Purpose of Outfall or Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of "The Public Health Act, 1848:" Provided always, that nothing herein contained shall give or be construed to give Power to any Local Board to construct or use any Outfall Drain or Sewer for the Purpose of conveying Sewage or filthy Water into any natural Watercourse or Stream until such Sewage or filthy or refuse Water be freed from all excrementitious

mentitious or other foul or noxious Matter, such as would affect or deteriorate the Purity and Quality of the Water in such Stream or Watercourse.

Previous Notices of the intended Works before Commencement.

5. Provided also, That no Sewer or other Work shall be constructed or extended, under the Enactment lastly herein-before contained, unless Three Months at the least before the Commencement of such Work Notice of the intended Work, describing the Nature thereof, and stating the intended Termini thereof, and the Names of the Parishes, Townships, and Places, and the Turnpike Roads and Streets or Places laid out or intended for Streets, and other Lands, if any, through, across, or under which the Work is to be made, and naming a Place where a Plan of the intended Work is open for Inspection at all reasonable Hours, shall be given by Advertisement in One or more of the Newspapers usually circulated in the Place where the Work is to be made, and a written or printed Copy of such Notice shall be served in manner directed by "The Public Health Act (1848)" on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, and on the Overseers of such Parishes, Townships, or Places, and the Trustees, Surveyors of Highways, or others, having the Care of such Roads or Streets.

If Objection be made by any Party interested, the Work not to be proceeded with without Sanction of Secretary of State.

6. In case any of such Owners, Lessees, or Occupiers, or such Overseers, Trustees, Surveyors, or others as aforesaid, or any other Owner, Lessee, or Occupier who would be affected by the proposed Work, object to such Work, and serve Notice in Writing of such Objection on the Local Board at any Time within the said Three Months, the proposed Work shall not be made or commenced without the Sanction of One of Her Majesty's Principal Secretaries of State, after such Inquiry and Report as herein-after mentioned (unless such Objection be withdrawn).

An Inspector to be appointed to make Inquiry on the Spot, and report to the Secretary of State.

7. It shall be lawful for the Secretary of State, upon Application of any Local Board, to appoint an Inspector to make Inquiry on the Spot into the Propriety of any such Work as aforesaid, and into the Objections thereto, and to hold One or more Meeting or Meetings for the Purpose of hearing all Persons desirous of being heard before him on the Subject of such Inquiry, and to report to such Secretary of State upon the Matters with respect to which such Inquiry was directed.

Yearly Sum to be paid for Premises without

8. Where already or hereafter any Premises not being within the Limits of the District of the Local Board have a Drain communicating, directly or indirectly, with a Sewer within the District, and maintained

District drained into Sewer within District.

maintained by the Local Board, and any Sewage from the Premises flows into the Sewer, there shall (except in Cases where the Owner is entitled to use such Sewer without making any Payment) be paid to the Local Board in respect thereof such a yearly Sum as is agreed on between them and the Owner of the Premises, or, failing Agreement between them, as on the Application of the Local Board is determined by Two Justices; and the yearly Sum so agreed on or determined shall be Private Improvement Expenses, and shall be charged on the Premises, and be paid and recoverable accordingly, as if the Premises were within the District: Provided, that the yearly Sum so charged shall cease to be payable if and when the Connexion between the Drain from the Premises and the Sewer is discontinued, so that a proportionate Part thereof up to the Time of the Discontinuance shall alone be payable; but if after the Discontinuance the Connexion be re-established the yearly Sum shall again become payable, and so from Time to Time.

Provision for Repair of Highways in Parts of Parishes or Townships not included in Districts under Local Government Act as herein stated.

9. The Sub-division numbered (4.) in the Thirty-seventh Section of the said Local Government Act, 1858, shall be and the same is hereby repealed; and in lieu thereof be it enacted as follows:

(1.) Where Part of a Township, or Place not comprised within any District in which the said "Local Government Act (1858) is in force, and which Part is herein-after referred to as "the excluded Part," was, before the said Act came into force in such District, liable to contribute to the Highway Rates for such Township or Place, such excluded Part shall for all Purposes connected with the Repairs of Highways and the Payment of Highway Rates, be considered to be and be treated as if forming Part of such District:

(2.) It shall be lawful for a Meeting of Ratepayers of the excluded Part (to be convened and conducted in the Manner prescribed by the Thirteenth Section of the said Local Government Act (1858), with respect to Districts, not being Corporate Boroughs or Towns, under the Jurisdiction of Improvement Commissioners,) to decide that such excluded Part shall be formed into a separate Highway District, and thereupon the excluded Part shall for all Purposes connected with Highways, Surveyors of Highways, and Highway Rates, be considered and treated as a Township maintaining its own Highways:

(3.) The Requisition for holding such Meeting as last mentioned shall, in any excluded Part where the said Local Government Act (1858) has been in force before the passing of this Act, be presented within Six Calendar Months after the passing

passing of this Act, and in all other Cases within Six Calendar Months after the Adoption of the said Local Government Act (1858); but nothing in this Section before contained shall apply to Districts constituted under the Public Health Act (1848), including a Part only of any Parish, Township, or Place which before the Constitution of such District maintained its own Highways.

Enabling Local Boards to act instead of Inhabitants in Vestry of Townships in their Districts in all Matters arising under the Provisions of 5 & 6 W. 4. c. 50.

**10.** All the Powers, Authorities, and Discretion which in and by the Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Fifty, are vested in and given to the Inhabitants in Vestry assembled of any Parish, Township, or Place, shall, within the Districts where the Local Government Act is in force, be vested in and exerciseable by the Local Boards, or Commissioners exercising the Powers of such Local Boards, under the Provisions of this Act and of "The Public Health Act (1848)," and of "The Local Government Act (1858)"; and all Acts or Consents already done or given or purporting to be so done or given by such Local Boards, under and by virtue of the said Act of the Fifth and Sixth Years of *William* the Fourth, Chapter Fifty, acting or assuming to act in lieu of the Inhabitants in Vestry assembled of any Parish, Township, or Place within the District of the Local Board, shall operate and be as valid and effectual as if the same had been done and given or executed by such Inhabitants in Vestry.

Service of Notices and Repayment of Costs under Sects. 69, 70, 71, 73, and 74 of 10 & 11 Vict. c. 34.

**11.** In Districts where the "Local Government Act, 1858," is in force, Notices for Alterations under the Sixty-ninth, Seventieth, and Seventy-first Sections, Directions under the Seventy-third Section, and Orders under the Seventy-fourth Section of the "Towns Improvement Clauses Act, 1847," may, at the Option of the Local Board, be served upon Owners instead of Occupiers, or upon Owners as well as Occupiers, and the Cost of Works done under any of these Sections may, when Notices have been so served upon Owners, be recovered from Owners instead of Occupiers, and when such Cost is recovered from Occupiers they shall be entitled to make the same Deduction from the Rents payable for the Premises where the Work is done in respect of such Cost as they are entitled to make in respect of Private Improvement Rates by the "Public Health Act, 1848."

Special District Rates leviable over same Area as General District Rates may be

**12.** Where in any District, Special District Rates are levied over the same Area as General District Rates, the Local Board may make and levy such Special District Rates as Part, and under the Name, of General District Rates: Provided always, that the levying of

levied as Part, and under the Name, of such Rates.

of such Rates by the Means aforesaid shall in no way prejudicially affect any Mortgages now or hereafter to be made upon such Special District Rates.

Debts due on Special District Rates may, with the Sanction of the Secretary of State, and of Mortgagees, and of Owners and Ratepayers, be repaid, and Money raised for such Repayment on Credit of General District Rate.

13. Where any Local Board of Health have incurred Expenses in or about any Works of a permanent Nature, and have made and levied a Special District Rate upon or in respect of the Premises situate in Part of their District, and have borrowed and taken up at Interest on the Credit of the said Special District Rate any Sums of Money necessary for defraying such Expenses, it shall be lawful for such Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, and with the Consent of all Persons having advanced Money on the Security of the said Special District Rate, and with the Consent of the Owners and Ratepayers of the District, to be expressed by Resolution in the Manner herein provided with respect to Resolutions for the Adoption of the said Local Government Act, to pay off and discharge the Sums so borrowed and taken up at Interest on the Credit of the said Special District Rate, or such Part thereof as shall then remain due, and to re-borrow and take up at Interest on the Credit of the General District Rates of the said Local Board any Sums of Money which shall have been so paid off and discharged; and for the Purpose of securing the Repayment of any Sums so borrowed, together with Interest thereon, the Local Board may mortgage the said General District Rates to the Persons by or on behalf of whom such Sums are advanced, subject to the Regulations prescribed by the Fifty-seventh Section of the Local Government Act, 1858.

The Sanction of the Secretary of State substituted for the Sanction of the General Board of Health, which has ceased to exist.

14. In all Cases in which prior to the passing of "The Local Government Act" all or any of the Powers or Provisions of "The Public Health Act, 1848," relative to the borrowing of Money or the mortgaging of Rates, are repeated in any Local Act of Parliament, or in which it is declared in and by such Local Act that the same shall be read and construed as if all or any of such Powers and Provisions had been repeated therein, so as to confer thereunder upon any such Local Board of Health or Board of Improvement Commissioners Powers corresponding with all or any of the borrowing or mortgaging Powers contained in "The Public Health Act, 1848," and where the Sanction, Consent, Direction, or Approval of the General Board of Health is rendered requisite in or by any such Local Act to the due Exercise of any of the Powers vested thereby in any Local Board of Health or Board of Improvement Commissioners, such Powers or any of them shall and may be henceforth exercised with and under the Sanction, Consent, Direction, and Approval of One of Her Majesty's Principal Secretaries of State, in lieu of the Sanction, Consent, Direction,

tion, and Approval of the General Board of Health aforesaid, and not otherwise.

**Making up Accounts for Audit.**

**15.** Seven clear Days at least before the Day fixed for the Audit of Accounts of any Local Board, the Local Board shall cause their Rate Books and other Accounts to be made up and balanced, and the Books and Accounts so made up and balanced shall forthwith be deposited at the Office of the said Local Board for the Inspection of Owners and Ratepayers, and the Notice of Audit shall include a Notice of such Deposit of Accounts; and any Officer of a Local Board duly appointed in that Behalf neglecting to make up such Books and Accounts, or altering such Books and Accounts, or allowing them to be altered when so made up, or refusing to allow Inspection thereof, shall be liable on Conviction thereof to forfeit Forty Shillings; and it shall be lawful for any Ratepayer or Owner of Property in the District to be present at the Audit of the Accounts of the Local Board, and to make any Objection to such Accounts before the Auditor; and such Ratepayers and Owners shall have the same Right of Appeal against Allowances by an Auditor, as they have by Law against Disallowances.

**Before giving Notice for paving, &c. of Streets not being Highways, Plans and Sections to be deposited with Local Board.**

**16.** Before giving the Notice mentioned in the Sixty-ninth Section of "The Public Health Act, 1848," the Local Board shall cause Plans and Sections of the Works intended to be executed under that Section and the Thirty-eighth Section of "The Local Government "Act, 1858," to be made, under the Direction of their Surveyor, on a Scale of not less than One Inch for Eighty-eight Feet for a horizontal Plan, and on a Scale of not less than One Inch for Ten Feet for a vertical Section, and, in the Case of a Sewer, showing the Depth of such Sewer below the Surface of the Ground; and such Plans and Sections shall be deposited in the Office of the Local Board, and shall be open at all reasonable Hours for the Inspection of all Persons interested therein during the Period for which such Notice is required to be given, and a Reference to such Plans and Sections in such Notice shall be held sufficient without requiring any Copy of such Plans and Sections to be annexed to such Notice.

**Form of Notice.**

**17.** The Form of Notice in the Schedule (A.) to this Act annexed, or to the like Effect, may be used for any of the Purposes of the Sixty-ninth Section of "The Public Health Act, 1848," and of the Thirty-eighth Section of "The Local Government Act, 1858," and of this Act, for which such Form is applicable, and such Form shall accordingly, to all Intents, be deemed sufficient for such Purposes.

**18.** In

Interpretation of "Special Act" in construing 8 & 9 Vict. c. 18. as to Provisional Orders.

**18.** In the Construction of "The Lands Clauses Consolidation Act, 1845," for the Purposes of any Provisional Order under "The Local Government Act, 1858," conferring Powers for the taking of Land otherwise than by Agreement, the Term "Special Act" shall mean the Act confirming such Order, and "the Date of the passing of the Special Act" shall mean the Date of the passing of the Act confirming such Order.

Extension of Powers given by Sect. 78. of 21 & 22 Vict. c. 104. to Cases in which Local Boards incur Expenses for permanent Works, &c.

**19.** The Powers granted by the Seventy-eighth Section of "The Local Government Act, 1858," may be exercised in any Case where any Local Board or Board of Improvement Commissioners exercising the borrowing Powers of "The Public Health Act, 1848," or "The Local Government Act, 1858," or of any Local Act, has contributed to, purchased, or executed any permanent Works, or proposes to contribute to, purchase; or execute such Works, at a Cost exceeding or estimated to exceed One Year's assessable Value of the Premises assessable within the District in respect of which the Money for such Works may be borrowed.

Local Boards may make Agreements for Terms of Water Supply in certain Cases.

**20.** In Districts where no Water Companies are established by Act of Parliament all Local Boards may make Agreements for the Supply of Water to Persons on such Terms as may be agreed upon between the Local Board and the Persons receiving such Supply, and shall have the same Powers for recovering Water Rents accruing under such Agreements as they have for the Recovery of Water Rates by the Law in force for the Time being.

Local Boards of Health may repair Fences surrounding Burial Grounds.

**21.** All Local Boards of Health constituted Burial Boards may from Time to Time repair and uphold the Fences surrounding any Burial Ground which shall have been discontinued as such within their Jurisdiction, or take down such Fences and substitute others in lieu thereof, and shall from Time to Time take the necessary Steps for preventing the Desecration of such Burial Grounds, and placing them in a proper sanitary Condition; and where such Burial Boards are a Local Board of Health, they may from Time to Time pass Byelaws for the Preservation and Regulation of all Burial Grounds within their Limits, and the Expense of carrying this Section into execution may be defrayed out of any Rates authorized to be levied by any Local Board constituted a Burial Board.

Powers of Local Boards with respect to Land purchased under 21 & 22 Vict. c. 104.

**22.** Local Boards shall have the same Powers with regard to any Lands purchased by them under or for the Purposes of "The Local Government Act (1858)," or any Act incorporated therewith, which they now have with regard to Lands purchased for the Purpose of making or enlarging Streets under the Powers of the said Act.

**23.** The

**23.** The Expenses which have been incurred by any Local Board of Health as and for Private Improvement Expenses under the "Public Health Act, 1848," as also the Expenses stated in the Sixty-second Section of "The Local Government Act, 1858," to be a Charge on the Premises, with Interest after the Rate of Five *per Centum per Annum*, may, by Order of the Local Board of Health, be declared payable by annual Instalments, with Interest after the Rate aforesaid, during a Period not exceeding Thirty Years, until the whole Amount be paid; and any such Instalments and Interest, or any Part thereof, may be recovered from the Owner or Occupier of such Premises in the same Manner as General District Rates, and may be deducted from the Rent of such Premises in the same Proportions as are allowed in the Case of Private Improvement Rates under the Ninety-first Section of "The Public Health Act, 1848."

Provision for Recovery of Charges for Private Improvements.

**24.** Proceedings for the Recovery of Demands below Twenty Pounds, which Local Boards are now empowered by Law to recover in a summary Manner, may, at the Option of the Local Board, be taken in the County Court as if such Demands were Debts within the Cognizance of such Courts.

Demands below 20*l.* may be recovered in County Courts.

**25.** The Local Board may make Byelaws for licensing and regulating Horses, Ponies, Mules, or Asses standing for Hire in the District, and for prescribing and regulating the Stands, and fixing the Rates of Hire, and ordering the Conduct of the Drivers or Attendants thereof, and also for licensing, regulating, and fixing the Rates of Hire of Pleasure Boats or Vessels, and the Persons in charge of the same.

Local Board may make Byelaws for licensing, &c. Horses, Boats, &c. for Hire.

**26.** Where a Board of Improvement Commissioners, or other Local Authority, exercising any of the Powers of "The Local Government Act, 1858," maintains and repairs the Highways within the Area of its Jurisdiction, the Sixty-ninth Section of the Act of the Fifth and Sixth *William* the Fourth, Chapter Fifty, shall be held to apply to all Encroachments on such Highways.

Sect. 69. of 5 & 6 W. 4. c. 50. to apply to Encroachments on Highways managed by Local Authority.

**27.** The Provision for the Repayment of Costs, Charges, and Expenses incurred by the Secretary of State in relation to any Provisional Order under the Seventy-fifth Section of "The Local Government Act, 1858," shall extend to all Provisional Orders under the said Act.

Repayment of Costs by Provisional Orders.

**28.** It shall not be lawful at any Time or Times hereafter, within the District of any Local Board, to bring forward any House or Building

No House to be brought forward

without Consent of Local Board.

Building forming Part of any Street, or any Part thereof, beyond the Front Wall of the House or Building on either Side thereof, nor to build any Addition thereto beyond the Front of such House or Building on either Side of the same as aforesaid, without the previous Consent of such Local Board.

Application of General Acts to Local Boards of Health.

**29.** And whereas Doubts exist whether Local Boards of Health, constituted under or by virtue of Local Acts, are affected by the Provisions of "The Local Government Act, 1858," or by the Provisions of "The Nuisances Removal Act for *England*, 1855," and "The Diseases Prevention Act, 1855," and it is desirable to remove such Doubts: Be it therefore enacted, That all the Provisions of "The Local Government Act, 1858," as amended by this Act, and of "The Nuisances Removal Act for *England*, 1855," and "The Diseases Prevention Act, 1855," as amended by the "Act to amend the Acts for the Removal of Nuisances and Prevention of Diseases," which Acts are herein-after designated the General Acts, shall extend and apply to all Local Boards of Health constituted under or by virtue of Local Acts, with and subject to the Two following Qualifications; (that is to say,)

(1.) Provisions of the General Acts opposed to or restrictive of the Provisions (whether adopted or original) of any such Local Act shall be of no Force in the District for which the Local Act was passed:

(2.) Wherever the General Acts and a Local Act contain Provisions for effecting the same or a similar Object, but in different Modes, the Local Board of Health may proceed under the General Acts or the Local Act:

And every future Act for amending or repealing any of the General Acts aforesaid shall, subject to the aforesaid Qualifications, also extend and apply to every such Local Board of Health.

Incorporation and Construction of Acts.

**30.** This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be read as if this Act and the said Local Government Act were One Act.

Short Title.

**31.** In citing this Act it shall be sufficient to use the Words and Figures "Local Government Act (1858) Amendment Act, 1861."

SCHE-

## SCHEDULE.

Local Board of Health for The of in the County of

To the Owner of certain Premises fronting, adjoining, or abutting upon a certain Street called , within the said [Borough *or* District, *as the Case may be*].

Whereas the said Street is not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the above-named Local Board of Health; and whereas your said Premises front, adjoin, or abut on certain Parts of the said Street which require to be sewered, levelled, paved, flagged, and channelled: Now, therefore, the said Local Board of Health hereby give you Notice (in pursuance of the Statute in that Case made and provided) to sewer, level, pave, flag, and channel the same within the Space of [*state the Time*] from the Date hereof, in manner following; (that is to say,) the Sewers to be laid or made [*here describe the Mode to be adopted and Material to be used*], of the Sizes and Forms, and at the Rate or Rates of Inclination shown on the Plans and Sections of the Works as prepared by the Surveyor of the Local Board.

Each Gully for Surface Draining, and its Connection with the Sewer, to be placed as shown on the said Plans, and to be constructed of the Forms, Materials, and Dimensions as shown on the said Plans.

A Foundation for the Carriageway and Footway in the said Street to be formed in the following Manner [*here describe the Mode to be adopted and the Material to be used*], and the said Carriageway and Footway to be paved [*here describe the Mode to be adopted and the Material to be used*].

The Channel Stones to be [*here describe the Mode to be adopted and the Material to be used*]. The Curb or Side Stones to be [*here describe the Mode to be adopted and the Material to be used*].

The whole of the above-mentioned Works to be executed by you in accordance with the Plans and Sections herein-before referred to, and now lying for Inspection by you at the Office of the Local Board, situate in Street, in aforesaid, and the Dimensions, Widths, and Levels shown thereon, and to be done in a good, workmanlike, and substantial Manner, to the Satisfaction of the said Local Board of Health or their Surveyor.

Dated this Day of One thousand eight hundred and

Clerk to the said Local Board of Health.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

present Parliament assembled, and by the Authority of the same, as follows:

The Crown not to sue after Sixty Years by reason of Lands having been in charge, &c.

1. The Queen's Majesty, Her Heirs and Successors, shall not at any Time hereafter sue, impeach, question, or implead any Person or Persons for or in anywise concerning any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments whatsoever (other than Liberties or Franchises) which such Person or Persons, or his or their or any of their Ancestors or Predecessors, or those from, by, or under whom they do or shall claim, have, or shall have held or enjoyed or taken the Rents, Revenues, Issues, or Profits thereof by the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same or in respect thereof, by reason only that the same Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, or the Rents, Revenues, Issues, or Profits thereof, have or shall have been in charge to Her Majesty or Her Predecessors or Successors, or stood insuper of Record, within the said Space of Sixty Years, but that such having been in charge and such standing insuper of Record shall be as against such Person and Persons, and all claiming by, from, or under them or any of them, of no Force and Effect.

Provisions of this Act to apply to Actions by the Duke of Cornwall. and to Provisions of 7 & 8 Vict. c. 105. and 23 & 24 Vict. c. 53.

2. And whereas an Act was passed in the Session held in the Seventh and Eighth Years of Her Majesty, Chapter One hundred and five, "for quieting Titles within the County of *Cornwall* as against "the Duchy of *Cornwall*, and other Purposes:" And whereas another Act was passed in the Session held in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter Fifty-three, "for the Limitation "of Actions and Suits by the Duke of *Cornwall* in relation to Real "Property, and for other Purposes:" And whereas it is expedient that the Limitation applicable to Actions and Suits by the Crown should be made applicable to Actions and Suits by the Duke of *Cornwall*: Be it enacted, That the Provisions of this Act herein-before contained applicable to the Queen's Majesty shall extend and be applicable to the Duke of *Cornwall*, and to the said Two last-recited Acts in the same Manner as if the Duke of *Cornwall* were herein-before mentioned or referred to where the Queen's Majesty is mentioned or referred to; and this Act shall be construed together with and be deemed to form Part of the said Two last-recited Acts.

Provision as to the answering of Rent, &c. to the Crown.

3. The Queen's Majesty, Her Predecessors and Successors, shall not be held, deemed, or taken, for the Purposes of the said Act of the Ninth Year of King *George* the Third. to have been answered the Rents,

Rents, Revenues, Issues, or Profits of any Lands, Manors, Tenements, Rents, Tithes, or Hereditaments which shall have been held or enjoyed, or of which the Rents, Revenues, Issues, or Profits shall have been taken, by any other Persons or Person, by the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Suit, Bill, Plaint, Information, Commission, or other Suit or Proceeding for recovering the same or in respect thereof, as in the said Act is mentioned, by reason only of the same Lands, Manors, Tenements, Rents, Tithes, or Hereditaments having been Part or Parcel of any Honour or Manor or other Hereditaments of which the Rents, Revenues, Issues, or Profits shall have been answered to Her Majesty or Her Predecessors or Successors, or some other Person under whom Her Majesty hath or lawfully claimeth or shall hereafter have or lawfully claim as aforesaid, or of any Honour, Manor, or other Hereditaments which shall have been duly in charge to Her Majesty, Her Predecessors or Successors, or stood insuper of Record as aforesaid.

**Preserving Right to Reversionary Interests.**

4. In the Construction of the said Act of the Ninth Year of King *George* the Third and of this Act the Right or Title of the Queen's Majesty, Her Heirs or Successors, or of the Duke of *Cornwall*, to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments which are now or shall at any Time hereafter be subject to or comprised in any Demise or Lease for any Term or Terms of Years, or for any Life or Lives, granted by or on behalf of Her Majesty, or any of Her Royal Predecessors or Successors, or the Duke of *Cornwall*, shall not be deemed to have first accrued or grown until the Expiration or Determination of such Demise or Lease as against any Person or Persons whose Possession, Holding, or Enjoyment of such Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, or whose Receipt of the Rents, Issues, or Profits thereof, shall have commenced during the Term of such Demise or Lease, or who shall claim from, by, or under any Person or Persons whose Possession, Holding, or Enjoyment of such Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, or whose Receipt of the Rents, Issues, or Profits thereof, shall have so commenced as aforesaid.

**Act not to apply to existing Suits.**

5. Nothing contained in this Act shall extend to any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding instituted or commenced before the passing of this Act and now pending.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Interpretation of Terms.

3. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, "County" shall mean and include Riding, and "Assizes" shall include Presenting Term

Grand Jury at Summer Assizes held after passing of this Act may resolve that Salary of County Surveyor be altered.

4. It shall be lawful for the Grand Jury of any County mentioned in Schedule A., if they shall so think fit, at any Summer Assizes for such County which shall be held after the passing of this Act, to determine by Resolution that the annual Salary payable to any County Surveyor shall be altered to such annual Salary as such Grand Jury shall think fit, not exceeding the Amount specified in the said Schedule (A.) to this Act annexed for such County, and the Foreman of the Grand Jury shall endorse on such Resolution the Word "approved," and the Amount of such annual Salary so approved of, and the Secretary of the Grand Jury shall submit the same to the next Presentment Sessions for the County at large.

Grand Jury at next succeeding Assizes may adopt or reject such Application, or agree to it in a modified Form.

5. The Resolution, so endorsed as aforesaid, shall be placed upon the Schedule of Presentments, and considered by the next Presentment Sessions for the County at large, and may be approved of either with or without Modification, or may be rejected; and if such Resolution be approved, either with or without Modification by such Sessions, then it shall be lawful for the Grand Jury at the then next Assizes to determine whether the same shall be adopted; and such Grand Jury may, if they so think fit, determine that the annual Salary payable to such County Surveyor shall be altered to such annual Salary as shall have been so approved as aforesaid, and the Amount of such annual Salary shall be so fixed accordingly; and the Grand Jury at such Assizes and at each succeeding Assizes shall present for each such Surveyor, to be raised off the County at large, the Moiety of such annual Salary for the Half Year last past, and Payment of the same shall be made accordingly, subject to such Provisions with respect to Neglect, Misconduct, or otherwise as are contained with respect to the Salaries of County Surveyors in the said recited Act.

Grand Jury may, on Increase of Salary to County Surveyor, require that he shall not engage in private Practice.

6. It shall be lawful for the Grand Jury of any County in *Ireland*, at any Assizes, if they shall so think fit, in case it shall have been determined that the annual Salary payable to the County Surveyor of such County shall be increased under the Provisions of this Act, to order and direct that such County Surveyor shall not engage in any private professional Practice so long as he shall continue to hold such Office; and in case such Order shall be made by such Grand Jury, the Payment of such Increase of Salary to such County Surveyor

veyor shall be subject to the Condition contained in such Order and may be at any Time withheld if such Condition shall not have been complied with.

Grand Juries may increase Salaries of Assistants to Surveyors.

7. And whereas it is provided by the said first-recited Act that it shall be lawful for every County Surveyor to appoint so many Persons as the Grand Jury of each County shall, with reference to the Extent of the County and of the Duties to be performed, think necessary to be Assistants to such Surveyors, and that each of such Assistants shall be paid such Salary not exceeding Fifty Pounds *per Annum* as the Grand Jury shall direct: Be it enacted, That each of such Assistants shall be paid such Salary, not exceeding Eighty Pounds *per Annum*, as such Grand Jury shall direct, and the same shall be presented by the Grand Jury by half-yearly Instalments at each Assizes.

SCHE-

## SCHEDULE (A.)

TABLE of CLASSIFICATION of COUNTIES.

| | Counties. | | | |
|---|---|---|---|---|
| | Class 1. | Class 2. | Class 3. | |
| Salaries of County Surveyors | £ 600 | £ 500 | £ 400 | Class 1. comprehends the Counties of East Cork, Down, Antrim, Kerry, Clare, Wexford, West Cork, South Tipperary, Londonderry, and Meath.<br><br>Class 2. comprehends the Counties of Roscommon, Waterford, Armagh, Kilkenny, North Tipperary, North Donegal, West Galway, Wicklow, Cavan, East Galway, Fermanagh, South Tyrone, Queen's, Sligo, North Tyrone, and Kildare.<br><br>Class 3. comprehends the Counties of Monaghan, East Limerick, South Donegal, Westmeath, King's, North Mayo, Leitrim, South Mayo, West Limerick, Louth, Carlow, and Longford. |

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

*George* the Third, Chapter Fourteen, "for enlarging the Term and "Powers of an Act of His present Majesty, for repairing and "widening the Road from *Preston Candover* to *Basingstoke*, and "from thence to *Alton*, in the County of *Southampton*;" an Act of the Fourth Year of King *George* the Fourth, Chapter One hundred and ten, "for repairing and improving the Road leading from *Skipton* "in the County of *York* to *Colne* in the County of *Lancaster*;" an Act of the Sixth Year of King *George* the Fourth, Chapter One hundred and forty-nine, "for repairing, widening, improving, and "maintaining in Repair the Turnpike Roads from *Leeds* to *Halifax*, "and the several Branches and Roads therein mentioned, in the "West Riding of the County of *York*;" and an Act of the Tenth Year of King *George* the Fourth, Chapter One hundred and thirteen, "for continuing certain Powers to the Trustees of the Road "leading from the Borough of *Southwark* to the *Kent Road* in the "County of *Surrey*, called *Great Dover Street*, for the Purposes "therein mentioned."

Short Title. 2. This Act may be cited for all Purposes as "The Annual Turnpike Acts Continuance Act, 1861."

SCHE-

## SCHEDULE.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Roads leading from the Parishes of Yoxford, Saxmundham, and Benhall, in the County of Suffolk, to the Town of Aldeburgh in the said County. 53 G. 3. c. xxiv.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Canterbury Lane, within the Liberty of the Town of Folkestone, to a Place in the Parish of Folkestone, called Mudshole, and other Roads therein mentioned, in the County of Kent. 54 G. 3. c. xiv.

An Act for continuing and amending an Act of His present Majesty, for repairing the Road from Dunstable to Hockliffe in the County of Bedford. 54 G. 3. c. cxxi.

An Act for more effectually repairing the Roads leading into and through the Town of Ross in the County of Hereford, and several Roads communicating therewith. 55 G. 3. c. lxi.

An Act for enlarging the Term and Powers of Two Acts of His late Majesty, for repairing the Road from Buildwas Bridge, to join the Watling Street Road, at Tern Bridge in the County of Salop. 60 G. 3. and 1 G. 4. c. v.

An Act for more effectually repairing the Road from Alfreton in the County of Derby to the Town of Derby. 4 G. 4. c. xli.

An Act for repairing the Roads from Oxdown Gate in Popham Lane to the City of Winchester, and from the said City through Hursley to Chandler's Ford and from Hursley aforesaid to the Turnpike Road at Romsey, and from the Hundred at Romsey through Chilworth to the River at Swathling in the County of Southampton; and from the said Turnpike Road at Romsey, through Ringwood in the said County, to Longham Bridge and Wimborne Minster in the County of Dorset. 4 G. 4. c. cxx.

An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith. 6 G. 4. c. lxxxvii.

An Act for maintaining and improving certain Roads leading to and from the Town of Cirencester in the County of Gloucester. 6 G. 4. c. cxliii.

An Act for repealing Two Acts for repairing the Roads from Little Sheffield in the County of York to Sparrow Pit Gate in the County of Derby; and also an Act for making a Road from Banner Cross in the West Riding of the County of York to Fox House in the County of Derby; and for consolidating the Trusts of certain Roads mentioned in the said Acts; and for amending and making certain other Roads to communicate therewith; and for other Purposes relating thereto. 6 G. 4. c. cxliv.

An

*Turnpike Acts Continuance.*

10 G. 4. c. xviii. An Act for amending, altering, and improving the Roads leading to the Town of Okehampton in the County of Devon, and making and maintaining a certain new Road to communicate therewith.

10 G. 4. c. xxiii. An Act for repairing the Road from Stockershead, at the Top of Charing Hill, to a Place called Bagham's Cross in the Parish of Chilham in the County of Kent.

10 G. 4. c. lxxvii. An Act for making and maintaining a Turnpike Road between the Town of Tarporley in the County Palatine of Chester and the Town of Whitchurch in the County of Salop.

10 G. 4. c. xcii. An Act for improving and maintaining the Road from the Town of Kingston-upon-Hull to Kirk-Ella in the County of the said Town.

11 G. 4. c. v. An Act for better repairing the Second District of Turnpike Roads leading to and from the Town of Bridport in the County of Dorset, and for making and maintaining several Branch Roads to communicate with the same.

11 G. 4. c. vi. An Act for more effectually repairing and improving the Road from Horsham to the Road leading to Guildford at Aldford Cross Ways, with Two Branches therefrom, and for making and maintaining a new Branch of Road to communicate therewith, all in the Counties of Sussex and Surrey.

11 G. 4. c. vii. An Act for repairing and improving the Road from the Nottingham and Mansfield Turnpike Road, through Kirkby and Pinxton, to Carter Lane, and to the Colliery near Pinxton Green in the Counties of Nottingham and Derby.

11 G. 4. c. xviii. An Act for more effectually repairing and maintaining the Road from New Chappel in the County of Surrey to Ditcheling Bost Hills in the County of Sussex, and from thence to the Town of Brighthelmston in the same County; and also for making and maintaining a Branch of Road from the Town of Ditcheling to Clayton in the County of Sussex.

11 G. 4. c. xix. An Act for more effectually repairing and improving the Roads from the Town of Malmesbury to Copped Hall Turnpike, Sutton Benger Church, and Dauntsey Gate, in the County of Wilts.

11 G. 4. c. xxi. An Act for more effectually repairing, amending, widening, and improving the Road from the West Cowgate, near Newcastle-upon-Tyne, to the Alemouth Turnpike Road in the County of Northumberland, and for making and maintaining other Roads communicating therewith.

11 G. 4. c. xxvi. An Act for maintaining the Road from Catterick Bridge in the County of York by the Towns of Yarm and Stockton, and through the Town of Sedgefield to the City of Durham.

11 G. 4. c. xxx. An Act for more effectually repairing and improving the Road from Bolton-le-Moors to Blackburne in the County Palatine of Lancaster, with Two Branches of Road therefrom, and for making and maintaining a Branch of Road to or near the Village of Lower Darwen.

11 G. 4. c. xxxii. An Act for repairing, amending, and maintaining the Road from Congleton in the County of Chester to a Branch of the Leek Turnpike Road at Thatchmarsh Bottom in the Parish of Hartington in the County of Derby, and from the Lowe to the Havannah Mills in the said County of Chester.

11 G. 4. c. xxxvii. An Act for more effectually repairing the Road from Wootton Bassett in the County of Wilts to the Two-Mile Stone in the Turnpike Road leading from Swindon to Marlborough in the said County

An

*Turnpike Acts Continuance.*

An Act for making a Turnpike Road from the Bridge over the River Bure at Great Yarmouth to Acle (with certain Branches therefrom), all in the County of Norfolk. 11 G. 4. c. xxxix.

An Act for more effectually repairing and improving the Road from Wendover to the Town of Buckingham in the County of Buckingham. 11 G. 4. c. lxxxi.

An Act for altering, improving, diverting and maintaining the Road from Rotherham to the Four Lane Ends, near Wortley, in the West Riding of the County of York. 11 G. 4. c. lxxxiv.

An Act for more effectually repairing the Road from Blackburn to Walton Cop within Walton-in-le-Dale in the County of Lancaster. 11 G. 4. c. lxxxv.

An Act for repairing the Turnpike Road from the Top of Whitesheet Hill to the Wilton Turnpike Road at or near Barford in the County of Wilts. 11 G. 4, c. lxxxviii.

An Act for repairing, altering, and improving the Roads from Ashbourne to Sudbury, and from Sudbury to Yoxall Bridge, and from Hatton Moor to Tutbury, and from Uttoxeter to or near the Village of Draycott-in-the-Clay, and from Hadley Plain on the late Forest or Chase of Needwood to Callingwood Plain on the same late Forest or Chase. 11 G. 4. c. lxxxix.

An Act for more effectually repairing and improving the Road from Temple Normanton to Buntingfield Nook in the County of Derby, and the Road from Tupton Nether Green to Stubbing Edge Lane and Knot Cross in the said County. 11 G. 4. c. xci.

An Act for more effectually repairing and improving certain Roads between the Towns of Derby, Mansfield, and Nutthall, in the Counties of Derby and Nottingham. 11 G. 4. c. xcv.

An Act for making and maintaining a new Turnpike Road from the Town of Kingston-upon-Hull in the County of the said Town to Hedon in the County of York. 11 G. 4. c. xcvi.

An Act for amending and improving the Road from Tonbridge to Ightham, and other Roads communicating therewith, in the County of Kent. 11 G 4. c. xcix.

An Act for more effectually repairing and improving the Road from Cromford Bridge to the Turnpike Road at or near Langley Mill in the County of Derby. 11 G. 4. c. c.

An Act for more effectually repairing and improving several Roads leading from the Market Cross in the Town of Wareham, and in Purbeck, in the County of Dorset. 11 G. 4. c. ci.

An Act for more effectually repairing and improving the Roads from Saltfleet to the Town of Horncastle, and other Roads therein mentioned, all in the County of Lincoln. 11 G. 4. c. ciii.

An Act for improving and maintaining the Turnpike Roads from the Wirksworth Turnpike Road in the Hamlet of Ideridgehay to the Town of Duffield, and from the Market Place in Wirksworth to the Turnpike Road leading from Derby to Brassington, and from the said Market Place to the Turnpike Road leading from Wirksworth Moor to Matlock Bath, all in the County of Derby. 11 G. 4. c. cv.

An Act for more effectually repairing the Road from the Town of Rickmersworth in the County of Hertford, through the Village of Pinner, to or near the 11 G 4. c. cxiii.

Swan Public House at Sudbury Common, in the Turnpike Road leading from Harrow to London.

11 G. 4. c. cxxx. An Act for more effectually repairing the Road from Ashborne in the County of Derby to a Messuage or Public House in the Occupation of John Frost, near Belpar Bridge, in the said County of Derby.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO·QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

19 & 20 Vict. c. 61., continued until Dec. 1866.

Nineteenth and Twentieth Years of the Reign of Her present Majesty, shall continue and be in force until the Thirty-first Day of *December* One thousand eight hundred and sixty-six.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. LXVI.

## An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings.

[1st *August* 1861.]

WHEREAS it is expedient to grant Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons refusing from conscientious Motives to be sworn in Criminal Proceedings to be permitted to make a solemn Affirmation or Declaration.

1. If any Person called as a Witness in any Court of Criminal Jurisdiction in *England* or *Ireland*, or required or desiring to make an Affidavit or Deposition in the Course of any Criminal Proceeding, shall refuse or be unwilling, from alleged conscientious Motives, to be sworn, it shall be lawful for the Court or Judge, or other presiding Officer or Person qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn, to make his or her solemn Affirmation or Declaration, in the Words following; *videlicet*,

'I *A.B.*, do solemnly, sincerely, and truly affirm and declare, That the taking of any Oath is according to my Religious Belief unlawful; and I do also solemnly, sincerely, and truly affirm and declare,' &c.

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

**Punishment for making false Affirmation.**

2. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

**Commencement of Act.**

3. This Act shall come into operation on the First Day of *October* in the Year One thousand eight hundred and sixty-one.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

ticeship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner directed by the Rules now in force or hereafter to be made by the Benchers of the Society of the *King's Inns* in *Dublin*, and in accordance with the Practice of the Court of Chancery or Superior Courts of Law in *Ireland*, may be admitted and enrolled as an Attorney or Solicitor, and where any Person has before the passing of this Act, and at any Time after having taken such Degree, been bound as aforesaid for any Period exceeding Three Years, he may, after having duly served Three Years of such Term, in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Indentures of Apprenticeship) of the Attorney or Solicitor to whom he may be bound to the immediate Determination of his Indentures of Apprenticeship, be admitted and enrolled as an Attorney or Solicitor, and where such Consent is given as aforesaid, and acted upon, under this Provision, by the Person hereby made eligible to be admitted and enrolled as aforesaid, the Indentures of Apprenticeship shall be deemed to have determined as if they had determined by Effluxion of Time.

Persons having been at the Bar may be admitted after Three Years Service.

3. Every Person who, either before or after the passing of this Act, has been called to the Degree of Utter Barrister in *Ireland*, and after ceasing to be a Barrister has been bound by Indenture to serve as an Apprentice for any Term exceeding Three Years to a practising Attorney or Solicitor, and has in either of the said Cases continued in such Service for the Term of Three Years, and during the whole of such Three Years served in such Manner as is herein-before required in the Case of Persons who have taken Degrees in the said Universities, and been examined and sworn as aforesaid, after the Expiration of such Term of Three Years, may be admitted and enrolled as an Attorney and Solicitor: Provided always, that in the Case of any such Person as aforesaid who has been bound for a Period exceeding Three Years it shall be necessary for such Term to be determined with Consent, as herein-before provided in the Case of Persons having taken Degrees who may have been bound for a Period exceeding Three Years before the passing of this Act.

Persons having been bonâ fide Clerks to Attorneys or Solicitors for Ten Years may be admitted after Three Years Service.

4. Any Person who, either before or after the passing of this Act, shall for the Term of Ten Years have been a *bonâ fide* Clerk to an Attorney or Solicitor, or Attorneys or Solicitors, and during that Term shall have been *bonâ fide* engaged in the Transaction and Performance, under the Direction and Superintendence of such Attorney or Solicitor, or Attorneys or Solicitors, of such Matters of Business as are usually transacted and performed by Attorneys and Solicitors, and who shall produce to the Examiners satisfactory Evidence

dence that he has faithfully, honestly, and diligently served as such Clerk, and who, after the Expiration of the said Term of Ten Years, and after having been examined as may have been or may be required for the Time being of Persons seeking to become Apprentices to Attorneys or Solicitors, has been bound by and has duly served under Indentures of Apprenticeship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner mentioned in Clause Two, may be admitted and enrolled as an Attorney and Solicitor; and where any such Person has, before the passing of this Act, been bound for any Period exceeding Three Years, he may, after having duly served Three Years of such Term, in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as mentioned in Section Two, and with the Consent in Writing (endorsed on his Indentures of Apprenticeship) of the Attorney or Solicitor to whom he may be bound to the immediate Determination of his Indentures of Apprenticeship, be admitted and enrolled as an Attorney and Solicitor; and where such Consent is given as aforesaid, and acted upon, under this Provision, by the Person hereby made eligible to be admitted and enrolled as aforesaid, the Indentures of Apprenticeship shall be deemed to have determined as if they had determined by Effluxion of Time.

Certain Apprentices not required to keep Terms.

5. No Apprentice within the Third Section and no Apprentice within the Fourth Section who shall have served Two Years or upwards of the said Term of Ten Years in the *Dublin* Office of an Attorney or Solicitor or Firm of Attorneys or Solicitors shall be required to attend Lectures or keep Terms in *Dublin* during his Apprenticeship.

When the Three or Five Years expire in any Vacation, Examination may take place in Term preceding such Vacation.

6. Whenever any of the Periods of Three Years and Five Years mentioned in this Act (whether the same Period shall have commenced before or after the passing of this Act) shall expire in any Vacation, then and in such Case any Person whose Period of Apprenticeship shall so expire shall be at liberty to pass his Examination in the Term immediately preceding the said Vacation, and at any Time in or after such Vacation; and after the said Period of Apprenticeship shall have expired, the Lord Chancellor of *Ireland*, or the Master of the Rolls, as to the Court of Chancery, and any One of the Judges as to the Courts of Common Law at *Dublin*, on being satisfied by Affidavit or otherwise that the Period of Apprenticeship of such Person has expired, may proceed to administer to him the Oath or Oaths usually taken in *Ireland* by Apprentices before being admitted, and may do and direct all other Acts necessary for or towards the Admission and Enrolment of such Person as an Attorney and Solicitor, as provided by any Act or lawful Regulation in that Behalf.

7. Nothing

Not to prejudice Power of Courts, &c. to dispense with Rules.

7. Nothing in this Act contained shall prejudice or take away any Right or Power now possessed by any Court of Law or Equity, or by any of the Judges of such Courts, or by the Benchers of the Society of *King's Inn*, to dispense in any particular Case with any of the Rules or Conditions relating to the Admission or Examination of Attorneys or Solicitors, or Apprentices.

Extent of Act.

8. This Act shall only extend to *Ireland*, save as herein otherwise expressly provided.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

The Word "Tramways" shall mean and include any Tramroad or Tramway, whether temporary or permanent, formed of Iron, Stone, or other Material, and laid down level with the Surface on any Turnpike or Statute Labour Road under the Provisions of this Act.

With respect to the Formation of Tramways on Turnpike Roads:

Special Meeting of Trustees may be called to consider the Expediency of laying down Tramways.

**3.** Any Two Trustees may, by a Requisition under their Hands, require the Clerk to call a Special Meeting of the Trustees for any Day and Hour specified in such Requisition, not being earlier than Twenty-one Days after the Date thereof, for the Purpose of considering the Expediency of forming Tramways on the Roads under their Management, or any Part thereof; and within Three Days after the Receipt of such Requisition the Clerk shall call such Special Meeting, to be held at the Time specified therein, and at the Place where the Meetings of the Trustees are usually held; and Notice of such Meeting, and of the special Purpose thereof, shall be given by Advertisement inserted once in each of Two successive Weeks in a Newspaper published in the County in which such Roads are situated, or if there be no Newspaper published therein, in a Newspaper published in an adjoining County.

Trustees may remit to their Surveyor or to an Engineer to prepare Plans of Tramways and Estimate of Expense.

**4.** If the Trustees present at such Special Meeting shall resolve that it is expedient to form Tramways on the Roads under their Management, or any Part thereof, they may remit to their Surveyor, or to any Engineer to be named by them, to prepare Plans of the proposed Tramways, showing the Extent thereof, and the Mode in which the same are to be formed, and the Portions of the Roads to be occupied thereby, with an Estimate of the Expense of such Tramways; and such Plans and Estimate of Expense shall be lodged with the Clerk, for the Inspection of the Trustees, at least One Month previous to the General or Special Meeting before which the same are to be laid.

Plans and Estimate to be laid before General or Special Meeting of Trustees.

**5.** The Plans and Estimate of Expense prepared by such Surveyor or Engineer shall be laid before any General Meeting of the Trustees convened under the Provisions of the General Turnpike Road Act for *Scotland*, First and Second *William* the Fourth, Chapter Forty-three, or of any Local Act under which the Trustees are appointed and acting, or before a Special Meeting of the Trustees to be called in the Manner provided by the said General Turnpike Road Act; and the Trustees present at such General or Special Meeting may approve or disapprove of such Plans and Estimate of Expense, or may direct such Alterations to be made thereon as they may deem necessary, and may resolve to proceed or not to proceed with the Formation of the Tramways as they may think fit.

**6.** On

6. On such Plans and Estimate being finally approved by the Trustees at any General or Special Meeting, as the Case may be, it shall be lawful for the Trustees to form and lay down the Tramways in the Manner described on such Plans, and on the Roads included therein, or on the Sides of such Roads.

Tramways may be laid down according to Plans.

7. The Tramways shall be laid down on the Surface of the Roads or on the Sides thereof, and shall form Part of the Roads, and, subject to the Provisions of this Act, all the Enactments of the said General Turnpike Road Act, and of any Local Act relating to the Road on which the Tramways are laid down, shall be applicable to the Tramways, in the same Manner and to the same Effect as such Enactments are applicable to such Roads.

Tramways to form Part of Roads.

8. The Expense of forming and laying down the Tramways, and incidental thereto, shall be defrayed out of the Tolls and Revenues of the Roads under the Management of the Trustees, or out of Money to be borrowed on the Credit of such Tolls and Revenues; and it shall be lawful for the Trustees to borrow Money for the Purpose of defraying such Expense, and to grant Assignations of such Tolls and Revenues in Security of the Payment of the Money so to be borrowed, in the Manner provided by the said General Turnpike Road Act, any Provision or Restriction with respect to the Power of borrowing Money contained in any Local Act relating to such Roads to the contrary notwithstanding; and the Expense of maintaining, managing, and repairing the Tramways shall be defrayed by the Trustees out of the Tolls and Revenues of such Roads: Provided that it shall not be lawful for the Trustees to apply any Part of such Tolls and Revenues in defraying the Expense of forming the Tramways, or to borrow Money for that Purpose on the Security of such Tolls and Revenues, without the Consent in Writing of the Persons entitled to Two Thirds of the Money borrowed and remaining due on the Credit of such Tolls and Revenues.

Expense of forming and maintaining Tramways, how to be defrayed.

9. It shall be lawful for the Trustees, with the Powers and Authorities and subject to the Provisions and Exemptions contained in the said General Turnpike Road Act, and in any Local Act relating to the Roads on which the Tramways are formed, to demand and take or cause to be demanded and taken, for and in respect of all Carts, Waggons, and Carriages using or passing over the Tramways, the same Tolls as are levied for the Time being under the Provisions of such Acts for and in respect of Carts, Waggons, and Carriages using or passing over such Roads; and the Tolls levied and received on and in

Tolls for Use of Tramways.

in respect of the Tramways shall be held and applied by the Trustees for the same Uses and Purposes as the Toll Duties levied and received on and in respect of such Roads: Provided always, that any Cart, Waggon, or Carriage using or passing over the Tramways for any Distance exceeding One hundred Yards shall be liable to the same Toll as if such Cart, Waggon, or Carriage had passed through a Toll Gate on such Roads; and the Tolls payable for and in respect of Carts, Waggons, and Carriages so using or passing over the Tramways, and not passing through a Toll Gate, may be sued for and recovered in the same Manner as Toll Duties may be sued for and recovered under the Provisions of the said General Turnpike Road Act, which are hereby made applicable to the Tolls payable for and in respect of the Use of the Tramways: Provided also, that any Cart, Waggon, or Carriage using or passing over the Tramways or any Part thereof, and thereafter passing through a Toll Gate on the Road on which the Tramways are formed, shall only be liable to pay a single Toll, in the same Manner as if such Cart, Waggon, or Carriage had used or passed over such Road.

Trustees may compound for Tolls on Tramways.

**10.** It shall be lawful for the Trustees to compound and agree, for any Term not exceeding One Year at any One Time, with any Person or Company using the Tramways or any Part thereof exceeding One hundred Yards in Length, for the passing of his or their Carts, Waggons, or Carriages over the Tramways: Provided that such Compositions and Agreements shall be subject to all the Provisions with respect to Compositions for Tolls contained in the Fifty-third Section of the said General Turnpike Road Act.

Trustees may make Regulations for Use of Tramways.

**11.** The Trustees may make such Regulations for and with respect to the Use of the Tramways as they think fit; and such Regulations shall be published by printed Copies thereof being affixed on Boards to be set up at each End of the Tramways or at the Toll Gates nearest thereto; and every Person who commits any Breach or Contravention of such Regulations shall be liable to a Penalty not exceeding Five Pounds for each Offence; and such Penalties may be sued for, imposed, and recovered in the Manner provided by the said General Turnpike Road Act.

With respect to the Formation of Tramways on Statute Labour Roads:

Tramways may be formed on Statute Labour Roads.

**12.** In the event of any Application being made to the Trustees of any Statute Labour Road by any Person or Company desiring to form Tramways on such Road, the Trustees may, at any General or Special Meeting convened under the Provisions of the General

General Statute Labour Road Act for *Scotland*, Eighth and Ninth *Victoria*, Chapter Forty-one, or of any Local Act under which the Trustees are appointed and acting, authorize such Person or Company to form the Tramways; and on such Authority being granted it shall be lawful for such Person or Company, at his or their own Expense, to form and lay down the Tramways to such Extent, in such Manner, and on such Terms as shall be agreed upon and approved by the Trustees or their Surveyor.

**Tramways to form Part of Roads.**

**13.** The Tramways shall be laid down on the Surface of the Roads or on the Sides thereof, and shall form Part of the Roads, and may be used by all Carts, Waggons, and Carriages passing over the Roads; and, subject to the Provisions of this Act, all the Enactments of the said General Statute Labour Road Act and of any Local Act relating to the Roads on which the Tramways are laid down shall be applicable to the Tramways, in the same Manner and to the same Effect as such Enactments are applicable to such Roads; and the Expense of maintaining, managing, and repairing the Tramways shall be defrayed by the Trustees out of the Funds and Revenues under their Management, or by the Person or Company by whom the same were laid down, or jointly by the Trustees and such Person or Company, as may be agreed upon.

**Trustees may make Regulations for Use of Tramways.**

**14.** The Trustees may make such Regulations for and with respect to the Use of the Tramways as they think fit; and before taking effect such Regulations shall be published by printed Copies thereof being affixed on Boards to be set up at each End of the Tramways; and every Person who commits any Breach or Contravention of such Regulations shall be liable to a Penalty not exceeding Five Pounds for each Offence; and such Penalties may be sued for, imposed, and recovered in the Manner provided by the said General Statute Labour Road Act.

**Tramways may be removed.**

**15.** It shall be lawful for the Person or Company by whom the Tramways on any Statute Labour Road were laid down, or his or their Heirs or Successors, and they are hereby required to take up and remove the same at such Time as shall have been agreed on with the Trustees: Provided that on the Tramways being so removed the Road on which the same were laid down shall, to the Satisfaction of the Trustees or their Surveyor, be restored by such Person or Company, or his or their Heirs or Successors, at his or their own Expense, to the same State and Condition, as nearly as may be, in which such Road was at the Time of laying down the Tramways.



**16.** Nothing

Tramways not to be laid down in Burghs without Consent of Magistrates and Council.

**16.** Nothing in this Act contained shall authorize the Trustees to form or lay down Tramways within the Municipal or Parliamentary Boundaries of any Royal or Parliamentary Burgh, without the Consent in Writing of the Magistrates and Council of such Burgh first had and obtained.

Tramways to be kept in constant good Order, and Trustees may acquire Right to them when proposed to be removed.

**17.** The Person or Company by whom the Tramways on any Statute Labour Road shall have been laid down, and their Heirs and Successors, shall maintain such Tramways, while unremoved, in constant good Order for Traffic at the Sight and to the Satisfaction of the Surveyor; and when they shall propose to remove the same as aforesaid, the Trustees shall be entitled to acquire all Right therein belonging to such Person or Company, or their Heirs and Successors, on Payment to them of such Sum as the same may be valued at by Valuators agreed on by the Trustees and such Person or Company, or their Heirs and Successors, or, failing such Agreement, by any Valuator or Valuators appointed by the Sheriff of the County on the Application of either Party.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

respects ill adapted to the profitable carrying of Goods, or to the levying of just and adequate Tolls upon Waggons or Carriages drawn by Locomotives: And whereas it is desirable that the Use of Locomotives on Turnpike and other Roads should be regulated by uniform general Provisions, and that Tolls should be levied upon such Locomotives and the Waggons or Carriages drawn by such Locomotives upon Turnpike Roads: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scale of Tolls to be taken after passing of this Act.

1. From and after the passing of this Act, all Trustees, Corporations, Commissioners, and other Persons acting under and in execution of any existing General or Local Turnpike Road Act or Public Bridge Act shall demand and take Tolls not exceeding the Tolls following; that is to say,

For every Locomotive propelled by any Power, containing within itself the Machinery for its own Propulsion, such a Toll for every Two Tons Weight or fractional Part of every Two Tons Weight that such Locomotive shall weigh as shall be equal to the Toll or Tolls by their respective Acts made payable for every Horse drawing any Waggon, Wain, Cart, or Carriage with Wheels of a Width similar to those of such Locomotive; or in the Case of a Toll by any such Act made payable being charged on the Horse or Horses drawing any such Waggon, Wain, Cart, or Carriage, without reference to the Width of the Wheels thereof, then such a Toll for every Two Tons or fractional Part thereof that such Locomotive shall weigh as shall be equal to One Horse drawing such Waggon, Wain, Cart, or Carriage; which Tolls respectively shall be payable so often as Tolls made payable as aforesaid for such Waggon, Wain, Cart, or Carriage shall be payable at the same Gate: Provided always, that if the Wheels of such Locomotive shall rest upon any Shoe or other Bearing the Surface of which shall bear upon the Ground so as to prevent the Wheels coming in contact therewith, such and the same Tolls only shall be demanded and payable as if the Wheels thereof were of a Width similar to such Shoe or Bearing:

For every Waggon, Wain, Cart, or Carriage drawn or propelled by any Locomotive, for each Pair of Wheels thereof such a Toll as shall not exceed the Toll by their respective Acts made payable for Two Horses drawing any Waggon, Wain, Cart, or Carriage with Wheels of a similar Width, and for every additional Wheel thereof One Half Toll in addition to the said Toll;

Toll; or in the Case of a Toll by any such Act made payable being charged on the Horse or Horses drawing any such Waggon, Wain, Cart, or Carriage, without reference to the Width of the Wheels thereof, then such a Toll for each Wheel as shall be equal to One Horse drawing such Waggon, Wain, Cart, or Carriage; which said Toll or Tolls shall be payable so often as the Toll made payable as aforesaid for such Waggon, Wain, Cart, or Carriage drawn by Horses shall be payable at the same Gate:

Provided always, that in every Case where the Wheels of any Waggon, Wain, Cart, or Carriage shall not all be cylindrical, as described in the Act of the Third Year of *George* the Fourth, Chapter One hundred and twenty-six, Section Nine, the Toll payable in respect thereof shall be One Half more.

**Repeal of former Enactments as to Tolls to be taken for Locomotives.**

2. All Clauses and Provisions in any Local or General Turnpike Road Act or public Bridge Act authorizing Tolls to be demanded or taken upon Locomotives or Carriages drawn by Steam or any other than Animal Power, different to the Tolls herein provided for, shall, so far as the same relate to such Tolls, be and the same are hereby repealed: Provided always, that this Enactment shall not be deemed or construed to extend to any Tolls authorized to be taken in respect of any private Roads or private Bridges, or to the Roads comprised in "The *Commercial* Roads Continuation Act, 1849."

**As to the Size and Weight of Locomotives.**

3. Every Locomotive propelled by Steam or any other than Animal Power, not drawing any Carriage, and not exceeding in Weight Three Tons, shall have the Tires of the Wheels thereof not less than Three Inches in Width, and for every Ton or fractional Part thereof additional Weight the Tires of the Wheels thereof shall be increased One Inch in Width; and every Locomotive drawing any Waggon or Carriage shall have the Tires of the Wheels thereof not less than Nine Inches in Width; but no Locomotive shall exceed Seven Feet in Width or Twelve Tons in Weight, except as herein-after provided; and the Wheels of every Locomotive shall be cylindrical and smooth soled, or used with Shoes or other bearing Surface of a Width not less than Nine Inches; and the Owner or Owners of any Locomotive used contrary to the foregoing Provisions shall for every such Offence, on summary Conviction, forfeit any Sum not exceeding Five Pounds: Provided always, that whereas it may be desirable that Locomotives of a greater Width than Seven Feet and of a greater Weight than Twelve Tons should be allowed to be used under certain Circumstances, any Person desiring to use any such Locomotive on any Street or public Highway within the City of *London* or the Liberties thereof, or within the Limits of the Metropolis as defined by the Act of the Eighteenth and Nineteenth Years of Her present Majesty, for the better

better Local Management of the Metropolis, or within any other City or Municipal or Parliamentary Borough, or on any Turnpike Road or other public Highway, shall apply within the City of *London* to the Lord Mayor for the Time being, or within any Municipal or Parliamentary Borough in *Scotland* to the Lord Provost or other Chief Magistrate thereof, and in other Places to the Corporation, Commissioner, Trustees, and Surveyors, or other Persons having the Charge of any such Street, Highway, Turnpike, or other Road over which it may be proposed to work such Locomotive, for Permission to use the same; and the said Lord Mayor, the said Lord Provost or Chief Magistrate, or such Corporation, Commissioners, Trustees, Surveyor, and other Persons as aforesaid, shall have Power to authorize such Locomotive to be used on such Road or Roads, or Part of any Road or Roads, and under such Condition or Conditions as to them may appear desirable; but in the Case of the Surveyor or Surveyors of any Highway in *England* no such Permission shall be valid without also it be approved by the Justices acting in Petty Sessions for any Petty Sessional Division within which it is proposed to use such Locomotive.

As to the Weight on each Pair of Wheels.

4. It shall not be lawful for any Waggon, Wain, Cart, or other Carriage so drawn or propelled as aforesaid, not having cylindrical Wheels, to carry any greater Weight than is permitted in such Waggon, Wain, Cart, or Carriage by the General Turnpike Act; and it shall not be lawful for any Waggon, Wain, Cart, or other Carriage having cylindrical Wheels to carry, over or above the Weight of the Waggon, Wain, Cart, or Carriage, any greater Weight than One Ton and a Half for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Four Inches or more in Breadth; nor to carry a greater Weight than Two Tons for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Six Inches or more in Breadth; nor to carry a greater Weight than Three Tons for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Eight Inches or more in Breadth; and for every single Wheel One Half of that permitted to be carried on a Pair of Wheels; nor in any Case to carry a greater Weight than Four Tons on each Pair of Wheels, or Two Tons on each Wheel; but if such Waggons, Wains, or other Carriages are built and constructed with Springs upon each Axle, then they shall be allowed to carry One Sixth more Weight in addition to the above-mentioned Weights upon each Pair of Wheels: Provided always, that the Regulation of Weight herein mentioned and provided shall not extend to any Waggon, Wain, Cart, or other Carriage carrying only One Tree or One Log of Timber, or One Block of Stone, or One Cable or Rope, or One Block, Plate, Roll, or Vessel of Iron or other Metal, or compounded of any Two or more Metals cast, wrought, or united in One Piece.

5. In

*Locomotives.*

**Power to Secretary of State to prohibit the Use of Locomotives destructive to Highways or dangerous to the Public.**

5. In case it appear to One of Her Majesty's Principal Secretaries of State that the Use of any particular Description of Locomotive causes excessive Wear and Tear of the Highways, or is dangerous or inconvenient to the Public, or that the Use of Locomotives generally or of any particular Description of Locomotive is dangerous or inconvenient to the Public in certain Districts or Places, it shall be lawful for such Secretary of State from Time to Time, by Order under his Hand, to prohibit the Use of any Kind or Description of Locomotive specified in such Order on any Highway whatsoever, or to prohibit the Use of Locomotives, or any specified Kind or Description thereof, on the Highways within any Place, District, or Limit mentioned in such Order, or otherwise to restrict the Use of Locomotives as Circumstances may appear to him to require, and from Time to Time, by Order made as aforesaid, to revoke or alter any such Order previously made; and every Order made under this Enactment shall be published in the *London Gazette*, and any Person using any Locomotive contrary to any such Order shall for every such Offence, on summary Conviction thereof before Two Justices, forfeit any Sum not exceeding Ten Pounds.

**Use of Locomotives restricted over Suspension and other Bridges.**

6. It shall not be lawful for the Owner or Driver of any Locomotive to drive it over any Suspension Bridge nor over any Bridge on which a conspicuous Notice has been placed, by the Authority of the Surveyor or Persons liable to the Repair of the Bridge, that the Bridge is insufficient to carry Weights beyond the ordinary Traffic of the District, without previously obtaining the Consent of the Surveyor of the Road or Bridgemaster under whose Charge such Bridge shall be for the Time being, or of the Persons liable to the Repair of such Bridge; and in case such Owner of the Locomotive and Surveyor of the Road or Bridge, or Bridgemaster, shall differ in opinion as to the Sufficiency of any Bridge to sustain the Transit of the Locomotive, then the Question shall be determined by an Officer to be appointed, on the Application of either Party, by One of Her Majesty's Principal Secretaries of State, whose Certificate of Sufficiency of such Bridge shall entitle the Owner of the Locomotive to take the same over such Bridge.

**Damage caused by Locomotives to Bridges to be made good by Owners.**

7. Where any Turnpike or other Roads, upon which Locomotives are or hereafter may be used, pass or are or shall be carried over or across any Stream or Watercourse, navigable River, Canal, or Railway, by means of any Bridge or Arch (whether stationary or moveable), and such Bridge or Arch, or any of the Walls, Buttresses, or Supports thereof, shall be damaged by reason of any Locomotive or any Waggon or Carriage drawn or propelled by or together with a Locomotive passing over the same or coming into Contact therewith,

with, none of the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Person interested in or having the Charge of such navigable River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, shall be liable to repair or make good any Damage so to be occasioned, or to make Compensation to any Person for any Obstruction, Interruption, or Delay which may arise therefrom to the Use of such Bridge or Arch, navigable River, Canal, or Railway, but every such Damage shall be forthwith repaired to the Satisfaction of the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons as aforesaid respectively interested in or having the Charge of such River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, by and at the Expense of the Owner or Owners or the Person or Persons having the Charge of such Locomotive at the Time of the happening of such Damage; and all such Owner and Owners, Person and Persons, having the Charge of such Locomotive as aforesaid, shall also be liable, both jointly and severally, to reimburse and make good, as well to the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, and other Persons interested in or having the Charge of any such navigable River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, as to all Persons navigating on or using, or who but for such Obstruction, Interruption, or Delay would have navigated on or used the same, all Losses and Expenses which they or any of them may sustain or incur by reason of any such Obstruction, Interruption, or Delay, such Losses and Expenses to be recoverable by Action at Law, which Action, in case of such Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons so interested as aforesaid, may be brought in the Name or Names of their Agent or Agents, Clerk or Clerks for the Time being, or by any Person or Persons legally authorized to act in their Behalf.

Locomotives propelled by Steam to consume their own Smoke.

8. Every Locomotive propelled by Steam or any other than Animal Power to be used on any Turnpike Road or public Highway shall be constructed on the Principle of consuming and so as to consume its own Smoke; and any Person using any Locomotive not so consuming its own Smoke shall, on Conviction thereof before any Two of Her Majesty's Justices of the Peace, forfeit any Sum not exceeding Five Pounds for every Day during which such Locomotive shall be used on any such Turnpike Road or public Highway.

As to the Number of Persons in charge of Locomotive and Waggons.

9. It shall not be lawful for any Owner of such Locomotive, either in his own Person or by his Servants, to use any such Locomotive, Waggon, or Carriage on the Turnpike or other Roads, except there be at the least Two Persons to drive or conduct such Locomotive,

Locomotive, and if more than Two such Waggons or Carriages be attached to such Locomotive, One Person to take charge of such Waggons and Carriages; and any Person in charge of such Locomotive shall provide Two efficient Lights, to be affixed conspicuously, One at each Side, on the Front of the same, between the Hours of One Hour after Sunset and One Hour before Sunrise; and any Person acting contrary hereto shall for every such Offence, on summary Conviction thereof before Two Justices, forfeit any Sum not exceeding Five Pounds.

Lights to be used at Night.

**10.** All Waggons, Wains, Carts, or Carriages, as herein-before described, drawn by any Locomotive, and loaded with any Materials such as are now exempt from Toll under the Provisions of any General or Local Act, shall be entitled to the same Exemption as they would be if drawn by Animal Power.

Exemption from Tolls of Waggons, &c. now exempt under any General or Local Act.

**11.** It shall not be lawful to drive any Locomotive along any Turnpike Road or public Highway at a greater Speed than Ten Miles an Hour, or through any City, Town, or Village at a greater Speed than Five Miles an Hour; and any Person acting contrary hereto shall for every such Offence, on summary Conviction thereof before Two Justices, if he be not the Owner of such Locomotive, forfeit any Sum not exceeding Five Pounds, and if he be the Owner thereof, shall forfeit any Sum not exceeding Ten Pounds.

Limit of Speed of Locomotives on public Highways, &c.

**12.** All the Clauses and Provisions of any General or Local Acts relating to Turnpike Roads or Highways shall, so far as the same are not expressly altered or repealed by or are not inconsistent with the Provisions of this Act, apply to all Locomotives propelled by other than Animal Power, and to all Waggons, Wains, Carts, and Carriages of any other Description drawn by such Locomotive, and to the Owners, Drivers, and Attendants thereof, in like Manner as if drawn by Animal Power: Provided always, that the Weight of every Locomotive, and the Name of the Owner or Owners thereof, shall be conspicuously and legibly affixed thereon; and any Owner not having affixed such Weight and such Name shall, upon Conviction thereof before Two Justices, forfeit any Sum not exceeding Five Pounds; and any Owner who shall fraudulently affix thereon any incorrect Weight shall, upon Conviction thereof, forfeit any Sum not exceeding Ten Pounds.

Provisions of General Acts relating to Turnpike Roads to apply to Locomotives.

**13.** Nothing in this Act contained shall authorize any Person to use upon a Highway a Locomotive Engine which shall be so constructed or used as to cause a public or private Nuisance; and every such Person so using such Engine shall, notwithstanding this Act, be liable

Right of Action in case of Nuisance.

liable to an Indictment or Action, as the Case may be, for such Use, where, but for the passing of this Act, such Indictment or Action could be maintained.

Short Title.

**14.** This Act may be cited as the "Locomotive Act, 1861."

Extent of Act.

**15.** This Act shall extend to *Great Britain.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

should be a sufficient Discharge to the Person making such last-mentioned Payment: And whereas a certain Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland; and by such Act it is enacted, that the Commissioners of Her Majesty's Treasury should from Time to Time make Rules and Regulations as they might think necessary for the Purpose of placing at the Disposal of the said Paymaster such Sums of Money as might be necessary for the Purposes of that Act; and the said Governor and Company of the Bank of *Ireland* were thereby directed to open Two separate Accounts with the said Paymaster, one under the Title of Improvement of Land Advances Account, and the other under the Title of Improvement of Land Repayment Account; and it is also by the said last-mentioned Act provided, that the said Paymaster should give Certificates ascertaining the Amount advanced or to be advanced on the Security of any Lands specified in such Certificate, and the Amount of Rentcharge from Time to Time charged on the said Lands and the Arrears thereof, and in respect of the several other Matters therein particularly mentioned; and the said Paymaster is thereby authorized to take, in certain Cases, such Proceedings as are therein mentioned for the Purpose of raising the Amount due on Foot of such Rentcharges by Sale of the Lands charged therewith, or of other Lands in lieu thereof, as therein provided, and the Receipt of such Paymaster is thereby declared to be a sufficient Discharge for the Purchase Moneys of such Lands, and upon Payment of the Amount of such Rentcharge the said Paymaster is thereby authorized to execute and register a Release of the Lands charged therewith: And whereas a certain other Act of Parliament was passed in the Thirteenth Year of the Reign of Her present Majesty, intituled *An Act further to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in* Ireland *by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings;* and it is thereby enacted, that the said Paymaster might, with the Sanction of the Commissioners of Her Majesty's Treasury, substitute for the Principal Moneys and Interest payable under such Award as are therein referred to such Rentcharge as in the said Act is provided, the Amount of such Rentcharge and the Lands charged therewith to be ascertained by the Certificate of such Paymaster, and to be payable to the Bank of *Ireland* to his Credit, and by him carried to the Account of the Consolidated Fund: And whereas a certain other Act was passed in the Seventeenth Year of Her present Majesty, intituled *An Act for enabling Grand Juries in* Ireland *to borrow Money from private Sources on the Security of Presentment, and for transferring to Counties certain Works constructed*

10 & 11 Vict. c. 32.

ss. 24, 26.

s. 48.

s. 49.

s. 50.

s. 52.

12 & 13 Vict. c. 60.

s. 1.

16 & 17 Vict. c. 136.

*constructed wholly or in part with Public Money;* and it is thereby enacted, that certain Moneys thereby directed to be paid by Counties as therein mentioned, and also Moneys payable by Proprietors of Lands under Awards of the Commissioners of Public Works in *Ireland*, as therein referred to, should be paid to the said Paymaster of Civil Services, to be by him applied as therein provided: And whereas it is intended that the said Office of the Paymaster of Civil Services in *Ireland* should be forthwith abolished; and it is expedient that Provision should be made as herein-after is mentioned with respect to the Payment of all Moneys directed to be paid to him or to his Account by way of Advances or Repayments of Advances of Public Moneys, and also for the doing of all Acts and discharging all Duties by such Paymaster directed to be done and performed in and by the said Acts of Parliament or any other Act of Parliament relating to the Advance or Repayment of Public Moneys in *Ireland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

ss. 12, 15, 16.

**The Commissioners of the Treasury to make Regulations in respect of Public Moneys advanced.**

**1.** From and after the passing of this Act, all Public Moneys which shall be advanced under the Authority of the aforesaid Acts of Parliament or any other Act, and which would have been paid to the said Paymaster of Civil Services in *Ireland* or to his Account if this present Act of Parliament had not been passed, and all Sums of Money which shall be hereafter paid in Repayment of Loans or Advances of such Public Moneys, or Interest thereon, as aforesaid, shall be paid and advanced, to such Persons, and repaid subject to such Rules and Regulations, and the Accounts of the same shall be kept in such Manner and Form, as the Commissioners of Her Majesty's Treasury shall from Time to Time direct and appoint; and a Copy of such Rules and Regulations shall be laid before Parliament within One Month after the same shall be issued if Parliament be then sitting, and if not then within One Week after Parliament shall be next assembled.

**The Commissioners of the Treasury to make Orders for closing and balancing Accounts.**

**2.** The said Commissioners of Her Majesty's Treasury shall and may make such Orders and give such Directions as they from Time to Time shall think fit, as to the closing and balancing of all Accounts heretofore kept by the Governor and Company of the Bank of *Ireland* with the said Paymaster, with respect to such Public Moneys as aforesaid, and generally as to the Persons in whose Names and the Manner in which all Accounts of such Public Moneys so advanced, and of all Moneys paid in Repayment of the same, shall hereafter be kept, whether by the said Bank of *Ireland* or otherwise.

**3.** All

All Books belonging to the Office of Paymaster to be transferred as directed.

3. All Books of Account and other Books and Documents belonging to the Office of the said Paymaster, and relating to such Public Moneys so advanced or repaid as aforesaid, shall be transferred to the Office of the Commissioners of Public Works in *Ireland*, who are hereby authorized and required to receive and provide for the proper Custody of the same, or to such other Office or Place as the said Commissioners of the Treasury may direct.

The Commissioners of Public Works or such Persons as the Commissioners of the Treasury may appoint, may do Acts heretofore performed by Paymaster of Civil Services.

4. From and after the passing of this Act, the said Commissioners of Public Works in *Ireland*, or any Two of them, or such other Person or Persons as the said Commissioners of Her Majesty's Treasury shall by Writing under their Hands from Time to Time appoint, shall and may make, execute, and do every Deed, Writing, Matter, or Thing and perform every Duty which the said Paymaster of Civil Services might or ought to have done, executed, or performed, by virtue of the aforesaid Acts of Parliament or otherwise, and relating in any way to the Advance, Repayment, or Recovery of such Public Moneys as aforesaid, or of any Rentcharge or other Security for the same; and every such Deed, Writing, Matter, or Thing so executed and done by such Commissioners of Public Works, or such other Person or Persons appointed as aforesaid, shall be as valid and effectual to all Intents and Purposes as if the said Office of Paymaster of Civil Services in *Ireland* had been continued, and such Deed, Writing, Matter, or Thing had been by him executed or done.

Section 12. of 7 Vict. and Sect. 8. of 19 Vict. not applicable to Repayments of Loans by Rentcharge or Annuity.

5. The Enactments and Directions contained in Section Twelve of the said Act passed in the Seventh Year of the Reign of Her Majesty, Chapter Forty-four, and Section Eight of an Act passed in the Nineteenth Year of the Reign of Her Majesty, Chapter Eighteen, with respect to the Appropriation of Payments on account of Principal and Interest, shall not be deemed or taken to be applicable to Repayments of such Loans or Advances as aforesaid made by way of Rentcharge or Annuity, or by Instalments composed of Principal and Interest.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

************************************************************

## CAP. LXXII.

## An Act to make further Provision for the Regulation of the *British* White Herring Fishery in *Scotland*.

[1st *August* 1861.]

WHEREAS an Act was passed in the last Session of Parliament "to amend the Laws relating to the *Scottish* Herring Fisheries," and it is expedient that further Provision be made for carrying into effect the Purposes thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 23 & 24 Vict. c. 92. s. 1.

1. Every Person who, during the Period fixed by the recited Act for the Annual Close Time in the Herring Fisheries on the West Coasts of *Scotland*, shall sell or dispose of, or offer to sell or dispose of, or shall have in his Possession, any Herring or Herring Fry known by such Person to have been taken on the said West Coasts of *Scotland*, or on any Part thereof, during such Close Time, shall be liable in a Penalty of not less than Five Pounds and not exceeding Twenty Pounds for every such Offence, over and above the Forfeiture of the said Herrings or Herring Fry, and of any Boat, Box, Basket, Creel, or other Article in which the same may be found; and the Proof that such Penalty for selling, &c. Herrings during Close Time.

such Herrings or Herring Fry when sold or disposed of, or offered for Sale or Disposal, or found in the Possession of any Person in the Ports, Harbours, Villages, or other Localities adjoining the said West Coasts of *Scotland*, were not taken contrary to the Provisions of the recited Act, shall be upon the Party selling or disposing or offering to sell or dispose of such Herrings or Herring Fry, or in whose Possession the same may be found.

Penalty for selling, &c. Herrings taken contrary to Provisions of 14 & 15 Vict. c. 26. s. 6.

**2.** Every Person who shall sell or dispose of, or offer to sell or dispose of, or who shall have in his Custody or Possession within a Boat, or recently removed therefrom, in any of the Ports, Harbours, Villages, or other Localities adjoining the Coasts of *Scotland*, any Herrings or Herring Fry taken contrary to the Provisions of the Act Fourteen and Fifteen *Victoria*, Chapter Twenty-six, Section Six, shall be liable in a Penalty of not less than Five Pounds and not exceeding Twenty Pounds for every such Offence, over and above the Forfeiture of the said Herrings or Herring Fry, and of every Boat, Box, Basket, Creel, or other Article in which the same may be found.

Penalty for defacing Marks or Numbers on Boats, Sails, &c.

**3.** After any Boat, Sail, Buoy, Net, or other Implement of Fishery shall have been marked or numbered under the Eleventh Section of the recited Act, it shall not be lawful to deface, alter, or endeavour in any way to conceal any such Mark or Number, without the Sanction of the Commissioners mentioned in the said Section; and every Person who shall so deface, alter, or endeavour to conceal the Mark or Number of any such Boat, Sail, Buoy, Net, or other Implement of Fishery shall be liable in a Penalty of not less than Forty Shillings and not exceeding Ten Pounds for every such Offence.

Herrings, &c. seized to be forfeited.

**4.** All Herrings or Herring Fry taken contrary to the Provisions of the recited Act, or of any Act incorporated therewith or referred to therein, and every Boat and Net used in the taking of such Herrings or Herring Fry, and every Boat, Box, Basket, Creel, or other Article in which the same may be found, may be seized by the Superintendent of Fisheries or any Officer acting under his Orders, or by any Officer of the Fisheries, or by any Order of any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction under the said recited Act, and shall be forfeited.

Regulations may be made suspending Provisions of Act, to admit of Sprat.

**5.** It shall be lawful to the Commissioners of the *British* White Herring Fishery at any Time, and from Time to Time, if Circumstances shall in their Opinion render it proper so to do, by Regulations to be made by them, to suspend within such Part of the *Firth of Forth* as is situate to the Westward of a straight Line drawn across the

the *Firth of Forth* from the West Pier of *South Queensferry* Harbour on the South Side through *Bimar* Beacon, and carried onwards to the Shore on the North Side, to such Extent and for such Period as they shall judge fit, the Operation of any of the Provisions of this Act or of the recited Act, or of any Act therein referred to, so as to admit of the Prosecution of the Sprat Fishing.

Fishing within Part of Firth of Forth.

6. Whereas Doubts have been entertained regarding the Import of the Thirteenth Section of the recited Act, and the Penalty thereby imposed: It is hereby declared and enacted, That the Provisions of the said Section apply to all Nets other than the usual Drift Net, having Meshes of the legal Size of One Inch from Knot to Knot, and that the Penalty incurred by any Breach of the Provisions of the said Section is and shall be, for each Offence, not less than Five and not exceeding Twenty Pounds over and above the Forfeiture of the Net or Nets in reference to which the Penalty is incurred.

Declaring Import of 13th Section of recited Act.

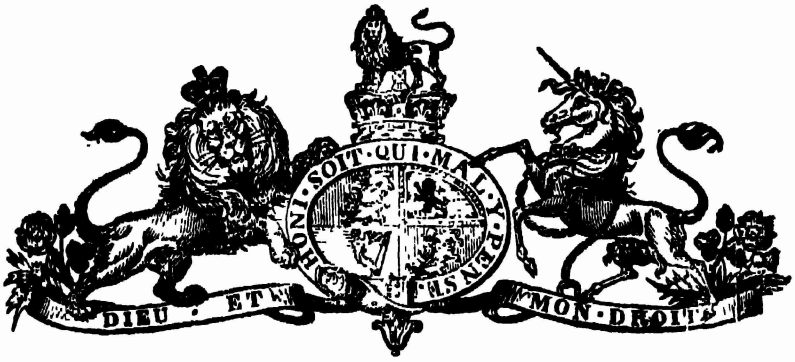
7. Any Constable or Officer of Police acting under the Authority and Orders of any Sheriff, or of any Justice of the Peace or Magistrate having Jurisdiction under the recited Act, shall be entitled, upon the Requisition of the Commissioners of the *British* White Herring Fishery, and until such Requisition be recalled, to exercise all the Powers, Functions, and Privileges which can be exercised or are enjoyed under or in virtue of this Act or the recited Act, or any Act therein referred to, by any Superintendent or Officer of the Fishery, except the superintending the curing of Herrings and the branding of Barrels containing the same; and every Person who resists or obstructs any Constable or Officer of Police so executing such Powers, Functions, and Privileges shall be liable to a Penalty not exceeding Fifty Pounds, or, failing Payment thereof, to Imprisonment for any Period not exceeding Sixty Days.

Constables acting under Orders of Sheriffs, &c. may exercise Powers of Act.

8. All the Powers, Jurisdictions, and Authorities given, created, or conferred by the said recited Act, for carrying into effect the Purposes thereof, shall be held to extend to and be incorporated with this Act; and all Penalties incurred under the Provisions of this Act may be prosecuted and enforced after the Forms and according to the Rules and Procedure prescribed by the said recited Act.

Powers of recited Acts extended to this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 100., and other Acts relating to Copyright of Designs, extended.

1. That the said recited Act, and all Acts extending or amending the same, shall be construed as if the Words "provided the same be "done within the United Kingdom of *Great Britain* and *Ireland*" had not been contained in the said recited Act; and the said recited Act, and all Acts extending or amending the same, shall apply to every such Design as therein referred to, whether the Application thereof be done within the United Kingdom or elsewhere, and whether the Inventor or Proprietor of such Design be or be not a Subject of Her Majesty.

Application of Acts.

2. That the said several Acts shall not be construed to apply to the Subjects of Her Majesty only.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## C A P. LXXIV.

### An Act to render lawful the Enlistment of Persons transferred from the *Indian* to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons.

[6th *August* 1861.]

WHEREAS by a General Order of his Excellency the Governor General of *India* in Council, dated at *Fort William*, of the Tenth Day of *April* One thousand eight hundred and sixty-one, certain Conditions were prescribed and Offers made to the *European* Officers and Men of the *Indian* Forces of Her Majesty, in order to facilitate the Amalgamation of the said Forces with Her Majesty's General Forces: And whereas certain Parts of the said Conditions and Offers cannot be carried into Effect without the Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. If any Soldier of Her Majesty's *European* Forces in *India* has volunteered or shall volunteer from the said Forces to enlist in any Regiment of Her Majesty's General Army, and has made or shall make the Declaration provided by the said Order of the Governor General, **Enlistment of Soldiers transferred from the Indian to the General Forces of**

Her Majesty to be valid for the unexpired Portions of the Service of such Soldiers.

General, and contained in the Schedule of this present Act, or to the like Effect, any such Enlistment is declared to be and shall be as valid and effectual, for the unexpired Portion of the Service of such Soldier, as if such Soldier had originally enlisted in Her Majesty's Land Forces under the Provisions of the Act of the Tenth and Eleventh Years of Her Majesty, Chapter Thirty-seven, intituled *An Act for limiting the Time of Service in the Army.*

Persons so transferred to be accounted natural-born Subjects for Purposes of Military Service.

2. The Provisions of the Act of the First Year of Her Majesty, Chapter Twenty-nine, intituled *An Act for enabling Her Majesty to grant the Rank of General Officers to Foreigners now bearing Her Majesty's Commission, and to permit the Enlistment of Foreigners under certain Restrictions*, shall not apply to the Case of Officers or Soldiers in the *Indian* Forces of Her Majesty, not being natural-born Subjects, who have been or may be transferred to Her Majesty's General Forces under the Condition of the said Order; but every such Officer or Soldier shall be upon the same Footing, for the Purposes of Military Service and Promotion, and every Act or Thing done or to be done in respect of the Enlistment and Attestation of any such Soldier shall be as legal for all Purposes as if he were a natural-born Subject of Her Majesty.

Rights of Persons so transferred to Pensions for Service in Her Majesty's General Forces.

3. If any Soldier who has been or shall be so transferred as aforesaid is or shall become entitled to claim any Pension for Service or would have become entitled to claim any Pension if his Service had been wholly performed either in Her Majesty's *Indian* or in Her Majesty's General Forces, it shall be lawful for the Commissioners of *Chelsea Hospital* to take such Claim into Consideration in the same Manner as they are by Law empowered to do in the Case of Soldiers discharged from Her Majesty's General Service, but such Pension shall be calculated in accordance with the Regulations either of Her Majesty's *Indian* or of Her Majesty's General Forces, according as such Soldier may choose, but subject to such Conditions as to the Time and Manner of exercising such Choice as have been or may be prescribed by the Commander in Chief of Her Majesty's Forces in *India*; and it shall be lawful for the Secretary of State for *India* in Council and the Commissioners of Her Majesty's Treasury to make by Agreement such Regulations as they may deem just and expedient as to the Apportionment of the Pensions aforesaid between the respective Revenues of *India* and of the United Kingdom of *Great Britain* and *Ireland.*

No Enlistment in India invalid by reason of

4. No Enlistment or Attestation of any Soldier or Person into Her Majesty's General or *Indian* Forces which shall have taken place within Her Majesty's Dominions in *India*, or within the Territories of

of any Foreign State in *India*, prior to the Publication of this Act in the said Dominions, before any Person appointed in that Behalf by the Governor of any Presidency in *India*, shall be invalid only by reason that no Warrant had, at the Time of such Appointment or of such Enlistment or Attestation, been signed by the Secretary at War in accordance with the Provisions of any Act of Parliament for the Punishment of Mutiny and Desertion, or that the Person so appointed had not Authority to act out of Her Majesty's Dominions; but every Soldier or Person so attested shall be deemed to be an attested Soldier to the same Effect as if such Warrant had been signed as aforesaid, and such Enlistment or Attestation had taken place within Her Majesty's Dominions; and no Person so appointed who shall have enlisted and attested any Soldier or Person for Her Majesty's General or *Indian* Forces shall be deemed to have acted illegally in so doing by reason that no such Warrant had been issued as aforesaid, or that such Enlistment or Attestation did not take place within Her Majesty's Dominions.

**the Absence of a Warrant from the Secretary at War, or because made out of Her Majesty's Dominions.**

## The SCHEDULE.

DECLARATION to be made by a Soldier volunteering from Her Majesty's Indian Forces to Regiments of Her Majesty's General Army.

I *A. B.* do declare that I have been till now a [Private, *or* Corporal, *or* Sergeant, *as the Case may be*] in the Regiment of in Her Majesty's Indian Military Forces; that I enlisted on the Day of for a Term of Years, of which Years and Months remain unexpired; that I am of the Age of Years; that I am willing to be transferred from the Infantry [*or as the Case may be*] of Her Majesty's Indian Forces to the 101st Regiment Royal Bengal Fusiliers [*or as the Case may be*] of Her Majesty's Army, for the unexpired Residue of my Term of Service; and to accept, according to the Terms of a General Order of His Excellency the Governor-General of India in Council, No. 332, of the 10th Day of April 1861, the Bounty of Rupees upon such Transfer; and that I will serve Her Majesty, Her Heirs and Successors, for the said unexpired Term of Years and Months from this Date, provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

Declared before me,

_____ *Signature of Justice of the Peace or Magistrate.*

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Time of his Mayoralty, have Precedence over all Justices of the Peace acting in and for such Borough, and be entitled to take the Chair at all Meetings of Justices held within the Borough at which he may be present by virtue of his Office of Mayor, subject to these Provisoes; firstly, that the Mayor of a Borough shall not by virtue of this Section have any Precedence over the Justices of the Peace acting in and for the County, Riding, or Division of a County in which any such Borough is situate unless when acting in relation to the Business of such Borough, or over any Stipendiary Magistrate engaged in administering Justice; and secondly, that by virtue of this Section the Mayor of *Cambridge* shall not have any Precedence over the Vice-Chancellor of the University of *Cambridge*, and the Mayor of *Oxford* shall not have any Precedence over the Vice-Chancellor of the University of *Oxford*.

Amendment of Section 98 of 5 & 6 W. 4. c. 76.

**3.** Whereas by the Ninety-eighth Section of the Principal Act it is provided, that every Person assigned by Her Majesty's Commission to act as Justice in and for a Borough shall reside within the Borough for which he shall be so assigned, or within Seven Miles of the Borough, or of some Part thereof, during such Time as he shall act as a Justice of the Peace in and for such Borough; and by the Ninth Section of the Principal Act it is provided, that every Burgess shall be an Inhabitant Householder within the Borough, or within Seven Miles thereof: It is hereby enacted, That every such Justice shall be deemed to reside within such Borough if he occupies any House, Shop, Warehouse, or other Premises within the same.

Boroughs having a separate Commission of the Peace to be deemed Towns Corporate for the Purposes of the Alehouse Licensing Act.

**4.** Whereas by the Ninety-eighth Section of the Principal Act it is provided, that Her Majesty's Commission may be issued to certain Persons to act as Justices of the Peace in and for each of the several Boroughs therein mentioned: And whereas Doubts have arisen whether Boroughs having separate Commissions of the Peace but not having separate Courts of Quarter Sessions are "Towns Corporate" within the Meaning of the Act Ninth of *George* the Fourth, Session Two, Chapter Sixty-one, intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in* England, so as to give the Justices of such Boroughs Control over the granting or withdrawing Licences, and it is desirable that such Doubts should be removed: It is hereby declared, That in the Construction of the last-mentioned Act the Words "Town Corporate," and the Words "County or Place," and the Words "Division or Place," include every Borough in *England* having a separate Commission of the Peace, although it may not have a separate Court of Quarter Sessions; and that

that the Words "High Constable," where used in the same Act, include any Constable of any such Borough to whom the Justices of the same Borough may direct their Precept or Precepts under the same Act; and that all Licences hitherto granted, and all Transfers of Licences hitherto made in pursuance of the same Act, or of the Act of the Fifth and Sixth *Victoria*, Chapter Forty-four, or any other Act, by the Justices of any such Borough, are hereby declared to be valid and effectual to all Intents and Purposes.

Repeal of Sect. 112 of 5 & 6 W. 4. c. 76. and new Provisions enacted in lieu thereof.

5. Whereas by the One hundred and second Section of the Principal Act, it is enacted, that it shall not be lawful for the Justices of any Borough to appoint or continue as such Clerk to the Justices any Alderman or Councillor of such Borough, or Clerk of the Peace for such Borough, or Partner of such Clerk of the Peace, or any Clerk or Person in the Employ of such Clerk of the Peace; and that it shall not be lawful for the said Clerk to the Justices, by himself or his Partner, to be directly or indirectly interested or employed in the Prosecution of any Offender committed for Trial by the Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery, or General or Quarter Sessions; and that any Person being an Alderman or Councillor, or Clerk of the Peace of any Borough, or the Partner or Clerk, or in the Employ of such Clerk of the Peace, who shall act as Clerk to the Justices of such Borough, or shall otherwise offend in the Premises, shall for every such Offence forfeit and pay the Sum of One hundred Pounds as therein mentioned: And whereas the said Provisions have been found to be insufficient for preventing the Mischiefs thereby intended to be prevented: It is hereby enacted, That the said Provisions of the One hundred and second Section of the Principal Act shall be repealed; and from and after the passing of this Act it shall not be lawful for the Justices of any Borough to appoint or continue as their Clerk any Alderman or Councillor of such Borough, or the Clerk of the Peace of such Borough or of the County in which such Borough is situate, or the Partner of any such Clerk of the Peace; and it shall not be lawful for the Clerk to the Justices of any Borough, by himself or his Partner, or otherwise, to be directly or indirectly employed or interested in the Prosecution of any Offender committed for Trial by the Justices of such Borough or any of them at any Court of Gaol Delivery or General or Quarter Sessions; and any Person who shall in anywise offend in the Premises shall for every such Offence forfeit and pay the Sum of One hundred Pounds, one Moiety thereof to the Treasurer of such Borough, to be paid over to the Credit and Account of the Borough Fund, and the other Moiety thereof, with Costs of Suit, to any Person who may sue for the same in any of Her Majesty's Courts of Record at *Westminster*:

Provided

Provided that nothing herein contained shall prevent the Justices of any Borough reappointing as their Clerk any Clerk of the Peace or Partner of such Clerk of the Peace of their Borough, or of the County in which such Borough is situate, who at the Time of the passing of this Act shall be, or who shall not at the Time of such Reappointment have ceased to be, the Clerk of such Justices.

Provisions of 22 & 23 Vict. c. 56 as to Appointment of Inspectors of Weights and Measures extended to Boroughs having a separate Commission of the Peace.

6. Whereas by the Fourth Section of an Act passed in the Session holden in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, Chapter Fifty-six, intituled *An Act to amend an Act of the Fifth and Sixth Years of King* William *the Fourth, Chapter Sixty-three, relating to Weights and Measures,* certain Powers of appointing Inspectors of Weights and Measures are conferred on the Town Councils of all Municipal Boroughs in *England* and *Wales* incorporated under the Provisions of the Principal Act to which a separate Court of Quarter Sessions has been granted: And whereas it is expedient to extend such Provisions to the Town Councils of all Municipal Boroughs in *England* and *Wales* having a separate Commission of the Peace, although they may not have a separate Court of Quarter Sessions: It is hereby enacted, That all the Provisions of the said Fourth Section shall extend to Boroughs having a separate Commission of the Peace in the same Manner as if such Boroughs were therein included under the Description of "Boroughs to which a separate Court of Quarter Sessions has been "granted."

Not to affect 17 & 18 Vict. c. 20.

7. Nothing in this Act contained shall affect "The *Manchester* Division Stipendiary Act, 1854," or any Provision therein contained.

Construction of Act.

8. This Act shall be construed as One with the said principal Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Person who is proposed to be removed by the Warrant is in such a State of Health as not to be liable to suffer bodily or mental Injury by the Removal.

Warrant to contain Name and Age of every Person to be removed, and other Particulars.

**2.** Such Warrant of Removal shall be granted only on the Application of the Relieving Officer or other Officer of the Guardians of the Union or Parish where such Poor Person shall become chargeable, and shall contain the Name and reputed Age of every Person ordered to be removed by virtue of the same, and the Name of the Place in *Ireland* where the Justices or Magistrate shall find such Person to have been born or to have last resided for the Space of Three Years, and a Statement of such Examination having been made as to the State of Health of every Person ordered to be removed as aforesaid; and such Warrant shall be addressed to the Party applying for the same, and to the Guardians of the Union or Parish to which such Poor Person is to be removed, and a Copy shall be given by and at the Cost of the Person applying for such Warrant to the Person or the Head of the Family about to be removed by virtue of it:

Proviso.

Provided that in the Case of any Native of *Ireland* who shall have been absent from *Ireland* less than Twelve Months the Pauper may, if the Guardians applying for the Warrant and the Justices or Magistrate issuing it think fit, be removed to any Place, other than that above described, with his Consent; and provided also, that in any Case where the Justices or Magistrate shall not be able to ascertain upon the Evidence before them the Place of Birth, or of such continued Residence as aforesaid, they shall order the Pauper to be removed to the Port in *Ireland* which shall in the Judgment of such Justices under the Circumstances of the Case be most convenient.

Copy of the Warrant to be sent to Guardians of Place to which the Removal is to be made.

**3.** The Guardians obtaining the Warrant shall send a Copy of it, by Post, to the Clerk of the Board of Guardians of the Union in *Ireland* to which such Poor Person shall be ordered to be removed, and also a Copy of the Depositions taken in the Case, if the same shall, at any Time within Three Months from the Date of the Warrant, be required by any such Board of Guardians.

Warrant shall order Poor Persons to be conveyed to the Place mentioned in the Warrant.

**4.** Such Warrant shall order the Removal of the Poor Person to be made to the Place mentioned therein as aforesaid, and shall order the Persons charged with the Execution thereof to cause such Poor Person, with his Family (if any), to be safely conveyed to such Place in *Ireland*, to be delivered at the Workhouse of the Union containing the Port of or nearest to the Place of the Pauper's ultimate Destination.

**5.** If

*Removal of Irish Poor.*

5. If such Union be not such Place of ultimate Destination, the Guardians thereof may, if they think fit, cause the Pauper to be removed forthwith to the Place mentioned in the Warrant, and shall be entitled to be reimbursed the Costs incurred in such Removal by the Guardians in *England* on whose Application the Warrant was obtained, such Costs being the actual Expense incurred in and about the Conveyance and Maintenance of each Person so removed, according to the Certificate of the Poor Law Commissioners of *Ireland*, which Costs may, if not paid on Demand, be recovered by an Action in any County Court having Jurisdiction in the Union or Parish in *England* from which the Removal shall have taken place, at the Suit of the Guardians of such Union in *Ireland*.

The Guardians of the Poor of the Union at the Port may forward the Pauper to the Place of Destination, and recover the Costs from the Board of Guardians in England.

6. It shall be unlawful to remove any Woman or any Child under the Age of Fourteen as a Deck Passenger in any Vessel from *England* to *Scotland* or *Ireland*, during the Period from the First of *October* to the Thirty-first of *March* following, and no Regulation of Justices authorizing such a Removal shall be henceforth legal.

Women and Children not to be removed as Deck Passengers during the Winter.

7. Section the Sixth of the Act of the Eighth and Ninth *Victoria*, Chapter One hundred and seventeen, is hereby repealed.

Sect. 6 of 8 & 9 Vict. c. 117. repealed.

8. Except so far as this Act shall alter the Provisions of the said Act, this Act shall be construed as a Part of the same:

Acts to be construed together.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

1. Every Person who, at or before the passing of this Act, hath omitted to take or make and subscribe any Oath, Assurance, or Declaration, or otherwise to qualify himself within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath taken and subscribed the Oaths or Oath and Assurance, or made the Declarations or Declaration required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-two, or if Parliament be then sitting before the End of the then Session of Parliament, shall take and subscribe the Oaths or Oath, and Assurance, Declarations or Declaration respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Assurance, and Declarations ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission previous to the passing of this Act of taking or making and subscribing any Oaths or Oath, Assurance or Declaration, required by the said recited Acts or any of them, according to the above-mentioned Acts or any of them, or any other Act or Acts; and every such Person is and shall be fully and actually recapacitated and restored to the same State and Condition as he was in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified himself, according to the above-mentioned Acts and every of them; and all Elections of and Acts done or to be done by any such Person, or by Authority derived from him, are and shall be of the same Force and Validity as the same or any of them would have been if such Person had duly taken or made and subscribed such Oath, Assurance, and Declaration, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person qualifying himself in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person had taken or made and subscribed such Oaths or Oath, Assurance and Declaration, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oaths and Declaration required by the Irish Act, 2 Anne, c. 6.

2. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Oaths and Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of Queen *Anne*, intituled *An Act to prevent the further Growth of Popery:* All

*Indemnity.*

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid: and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oaths, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-two, or if Parliament be then sitting before the End of the then Session of Parliament.

**Not to indemnify Persons against whom final Judgment has been given.**

3. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

**Not to exempt Justices acting without legal Qualification.**

4. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

**Admissions to Corporations may be stamped after the Time allowed.**

5. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-two, or if Parliament be then sitting before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid

aforesaid to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

6. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record or already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

7. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

made instead thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**Repeal of Part of recited Acts after 29 Sept. 1861.**

1. From and after the Twenty-ninth Day of *September* One thousand eight hundred and sixty-one, so much of the said Act and amended Acts as relates to the Appointment of Annoyance Jurors shall be and the same is hereby repealed.

**Not to extend to Offences committed before the passing of this Act.**

2. Provided always, That nothing herein contained shall extend or be construed to extend to interfere with any Acts done or Appointments made under the Authority of the said recited Acts, or to prevent the suing for or Recovery of any Penalty incurred by any Offence committed against the Provisions of the said recited Acts previous to the Repeal thereof in and by this Act.

**Dean and Court of Burgesses to appoint, remunerate, suspend, or discharge Inspectors.**

3. On and after the Twenty-ninth Day of *September* One thousand eight hundred and sixty-one, the Appointment of such Annoyance Jurors shall cease, and the Dean of the Collegiate Church of *Saint Peter Westminster* for the Time being, or the High Steward of the City and Liberty of *Westminster* for the Time being, or his lawful Deputy, shall and may, from Time to Time, as Circumstances may require, call a Meeting or Meetings of the Court of Burgesses of the City and Liberty of *Westminster*, at which Court the said Dean, or the High Steward or his Deputy, or One of the Chief Burgesses and Four of the Burgesses, shall be present; and such Court so constituted shall exercise the Powers by this Act given to the Court of Burgesses, and shall and may and is hereby required to appoint One or more Inspectors of Weights and Measures, who shall hold the Office during the Pleasure of the said Court, which is hereby empowered to suspend or dismiss any Inspector so appointed, and to appoint other Inspectors as Occasion may require, and shall direct what reasonable Remuneration shall be paid to every Inspector for the Discharge of such Duties as he is ordered by the said Court of Burgesses to perform, within the Limits of its Jurisdiction, for preventing Persons dealing by unlawful Weights, Balances, or Measures within the said City or Liberty of *Westminster*.

**Oath to be taken by Inspector.**

4. Provided always, That every Inspector under this Act, before he enters upon the Execution of his Office, shall take an Oath to the Effect

Effect following, which Oath the said Court of Burgesses is hereby empowered to administer:

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, 'according to the best of my Skill, Judgment, and Ability, 'execute the Powers and Duties of an Inspector of Weights and 'Measures under an Act passed in the Year of the Reign of 'Queen Victoria, intituled "An Act to repeal certain Enactments '"relating to nominating and appointing the Householders of West-'"minster to serve as Annoyance Jurors, and to make other Pro-'"visions in lieu thereof," and that I will execute those Powers and 'Duties without Hatred or Malice, Fear, Favour, or Affection.

'So help me GOD.'

**Inspectors to visit Shops and Warehouses; Power to seize Weights and summon Offenders; Maximum of Fines fixed.**

5. Every Inspector under this Act shall and may, with or without One or more Person or Persons acting by his or their Authority, at all seasonable Times during the Hours of Business in the Day or Night, enter any House, Shop, Warehouse, Building, or Yard within the said City and Liberty in the Occupation of or used by any Person who deals by Weight or Measure, and search for, take, and examine all Weights, Measures, Balances, Steelyards, and Weighing Machines there found and being, and if any of the same be unlawful, fraudulent, or defective, he may and is hereby directed and required to seize, keep, and detain the same, and to cause to be summoned the Person so offending before the said Court of Burgesses, which, in default of the Appearance of such Person, or after hearing such Person or any other One Individual who may appear on his Behalf, shall, on Proof thereof on Oath, fine such Person so offending in any Sum not exceeding Five Pounds for any One Offence, and the unlawful or defective Weights, Measures, Balances, Steelyards, and Weighing Machines shall thereupon be forfeited to the said Court and destroyed.

**Inspector to inspect Weights and Measures of Persons in the Streets; Power to break unjust Weights and summon Offenders; Maximum of Fines fixed.**

6. Every Inspector under this Act may, with or without One or more Persons acting by his Authority, at all seasonable Times in the Day or Night, search for, take, and examine all Weights, Measures, Balances, Steelyards, and Weighing Machines in the Possession of any Person selling, offering, or exposing for Sale any Goods on any open Ground, or in any public Street, Lane, Thoroughfare, or Place within the said City and Liberty of *Westminster*; and if upon such Examination any such Weights, Measures, Balances, Steelyards, and Weighing Machines be found unlawful, fraudulent, or defective, or shall be used in a fraudulent Manner, the same shall thereupon forthwith be forfeited to the said Court, and be seized, detained, and destroyed;

destroyed; and any Person using or having in his Possession any such unlawful, fraudulent, or defective Weights, Measures, Balances, Steelyards, and Weighing Machines, or using any Weights, Measures, Balances, Steelyards, or Weighing Machines in a fraudulent Manner, shall be summoned before the said Court of Burgesses, which, in default of the Appearance of such Person, or after hearing such Person, or any other One Individual who may appear on his Behalf, shall, on Proof thereof on Oath, fine such Person in any Sum not exceeding Five Pounds for any One Offence.

**Power to Court to summon and examine Witnesses.**

7. The said Court of Burgesses may summon Witnesses to give Evidence before that Court touching any Matters arising under the Fifth and Sixth Sections of this Act, or either of them, and may examine those Witnesses on Oath, and may do all Things necessary for the due and proper Hearing and Determination of any of the said Matters so arising as aforesaid.

**Summons to be under the Seal of this Court.**

8. Every Summons under this Act shall be issued by the Town Clerk under the Common Seal of the said Court of Burgesses.

**Service of Summonses.**

9. Every Summons under this Act may be served upon the Person to whom it is directed by delivering the same to such Person personally, or by leaving the same with some Person for him at his last or most usual Place of Business or Abode.

**Penalty on Witnesses for not attending and giving Evidence.**

10. Any Person summoned as a Witness to give Evidence before the said Court of Burgesses touching any Matters arising under the said Fifth and Sixth Sections of this Act, or either of them, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by the said Court of Burgesses, or who appearing shall refuse to be examined on Oath or Affirmation and give Evidence, shall, on Conviction by the said Court of Burgesses, forfeit and pay to the said Court of Burgesses a Fine not exceeding Five Pounds for every such Offence.

**Forms of Summons and Conviction.**

11. Any Summons or Conviction under this Act may be in the Form given in the Schedule to the Act passed in the Twelfth Year of the Reign of Her Majesty, Chapter Forty-three, so far as any Form of Summons or Conviction therein may be applicable to the particular Case, and with such Alterations or Additions as the Circumstances of each Case may require, and every such Form or any

any Form to the like Effect shall be deemed good, valid, and sufficient in the Law.

**12.** Every Person who shall abuse or insult any such Inspector when in the Execution of his Office, or shall in any way obstruct the Execution of the said Office, shall be liable to a Penalty not exceeding Forty Shillings.

Penalties for obstructing Inspector.

**13.** Every Inspector, and every Person acting under his Authority, who shall ask, demand, or take any Sum of Money or other Gratuity or Reward whatsoever for or under Pretence of excusing any Person or Persons, or for not summoning any Person or Persons for any Offences committed under this Act, or shall otherwise misconduct himself in the Execution of his Office, shall be liable to a Penalty not exceeding Five Pounds.

Penalties for Misconduct of Inspector.

**14.** All Fines imposed by the said Court of Burgesses under this Act shall and may be levied and recovered in the like Manner as the Fines and Amerciaments set or imposed by the said recited Acts are thereby directed to be levied and recovered; and all Sums so recovered shall be applied and disposed of in the Manner following; that is to say, the High Bailiff of *Westminster* or his Deputy for the Time being shall be and he is hereby entitled to one Moiety thereof, and shall receive and take the same to his own Use, and the other Moiety thereof shall be taken and applied by the said Court of Burgesses to pay the necessary Charges and Expenses that shall attend the Execution of this Act.

Fines to be paid to High Bailiff and Court of Burgesses.

**15.** The Penalties imposed by the Twelfth and Thirteenth Sections of this Act shall be recovered and applied in the same Way as if the Offences created and Penalties imposed by those Sections had, at the passing of an Act passed in the Third Year of the Reign of Her Majesty, Chapter Forty-seven, been created and imposed by and those Sections had been enacted in the Fifty-fourth Section of that Act.

Penalties for obstructing and for Misconduct of Inspector recoverable under the Metropolitan Police Act.

**16.** If any Vacancy shall at the passing of this Act exist or hereafter occur in the Office of sizing and sealing Weights and Measures under the said Acts or either of them, every Person appointed to fill that Office shall hold the same during the Pleasure of the said Court of Burgesses, which may suspend or dismiss every such Person, and appoint others, as Occasion requires.

Office of Sizer and Sealer to be held during the Pleasure of the Court of Burgesses.



**17.** Nothing

Reserving Rights of the Court of Burgesses.

17. Nothing in this Act contained shall, except so far as is by this Act expressly provided, extend or be construed to extend to interfere with the Appointment of any Officer by the Court of Burgesses, or with sealing, sizing, stamping, or marking of any Weights or Measures, or with the Fees for sealing, sizing, stamping, or marking such Weights and Measures payable before the passing of this Act; and this Act shall be construed and taken together with the said recited Acts, and the said Acts and this Act shall, so far as the Provisions of the same are respectively consistent, be read together as One Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

************************************************************

## CAP. LXXIX.

## An Act to amend the Metropolis Gas Act.

[6th *August* 1861.]

WHEREAS it is expedient to extend the Powers in relation to Gas vested in the Metropolitan Board of Works by "The Metropolis Gas Act, 1860:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers conferred on Justices of the Peace by 22 & 23 Vict. c. 66. as amended by 23 & 24 Vict. c. 146, in so far as relates to the Metropolis, transferred to the Metropolitan Board of Works.

1. All Powers conferred on the Justices of the Peace of any County in General or Quarter Sessions assembled, by the Act passed in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, Chapter Sixty-six, intituled *An Act for regulating Measures used in Sales of Gas*, as amended by an Act passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and forty-six, and intituled *An Act to amend the Act for regulating Measures used in Sales of Gas*, shall, in so far as relates to the Metropolis, as defined by an Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty, and intituled *An Act for the better Local*

*Management of the Metropolis*, be transferred and vested in the Metropolitan Board of Works, and so many of the said Powers as are conferred by Section Four of the said Act of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty shall be exercised by such Board within Two Months after the passing of this Act, and so from Time to Time thereafter as in the said Act mentioned, and all Expenses incurred by the said Board in pursuance of this Act shall be defrayed by them out of Rates leviable by them within their Jurisdiction exclusive of the City of *London*.

So much of Sect. 1. of 23 & 24 Vict. c. 146. as respects the Metropolis repealed.

2. So much of the said Act passed in the Session holden in the Twenty-third and Twenty fourth Years of the Reign of Her present Majesty, Chapter One hundred and forty-six, as provides that, notwithstanding anything contained in the said Act for regulating Measures used in Sales of Gas, the said Act shall not come into operation in any County of *England* until the Magistrates of such County in Quarter Sessions shall have resolved to bring such County under the Operation of the Act, shall be repealed so far as respects the Metropolis as herein-before defined.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

1 & 2 W. 4. c. 24. 3 & 4 W. 4. c. 32. 4 & 5 W. 4. c. 72. 1 Vict. c. 51. 1 & 2 Vict. c. 88. 3 Vict. c. 10. 5 Vict. Sess. 2, c. 9. 9 & 10 Vict. c. 80 14 & 15 Vict. c. 23. 16 & 17 Vict. c. 40. 19 Vict. c. 17.

Forty-seven; an Act of the First and Second Years of King *William* the Fourth, Chapter Twenty-four; an Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-two; an Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Seventy-two; an Act of the First Year of Her present Majesty Queen *Victoria*, Chapter Fifty-one; an Act of the First and Second Years of Her present Majesty, Chapter Eighty-eight; an Act of the Third Year of Her present Majesty, Chapter Ten; an Act of the Fifth Year of Her present Majesty, Chapter Nine; an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Eighty; an Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Twenty-three; an Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Forty; and an Act of the Nineteenth Year of Her present Majesty, Chapter Seventeen: And whereas sundry Advances or Loans have been made by the Commissioners of the said Acts for the Purposes in the same Acts specified, and great Benefits have been derived therefrom: And whereas further Advances or Loans are required for the like Objects, and Advances or Loans are also required for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," and it is deemed expedient to make Advances of Money out of the Consolidated Fund for the Purposes of such Loans: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to charge 360,000*l.* per Annum upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

1. For the Purposes of such Advances or Loans as aforesaid (exclusively of Advances or Loans for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861,") the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered by Warrant under the Hands of any Two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* or out of the growing Produce thereof, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum* during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and sixty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and sixty-two.

Power to charge 350,000*l.*

2. For the Purpose of Advances or Loans under "The Harbours and Passing Tolls, &c. Act, 1861," the Commissioners of Her Majesty's Treasury

Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and fifty thousand Pounds *per Annum* during the Five Years next ensuing the passing of this Act, by quarterly Instalments or Issues not exceeding Eighty-seven thousand five hundred Pounds *per* Quarter, the First Instalment thereof to become payable in the Quarter ending the Thirtieth Day of *September* One thousand eight hundred and sixty-one, such Monies to be applied exclusively under the said Harbours and Passing Tolls Act.

per Annum upon the Consolidated Fund by Issues not exceeding 87,500*l.* per Quarter for Harbours, &c.

3. The Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall continue or cause to be continued the separate Account already opened at the Bank of *England* with them under the Title of "The Commissioners "for the Reduction of the National Debt on account of the Public "Works Loan Fund," and which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid, and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books in which all the Monies transferred to their Account by virtue of this Act and the said recited Acts shall be entered and kept separate and apart from all other Monies, and such Monies shall be by them held subject to the Disposal, Orders, and Directions of the Commissioners of the said recited Acts and of this Act for the Purposes of such Loans and Advances and otherwise, as by the same Acts or the Acts relating thereto or this Act are directed or authorized to be made.

Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a separate Account to be continued at the Bank of England for the Purpose.

4. The Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of this Act and of the said recited Acts under the Title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, &c.," to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans

Bank to continue the Account already opened with the Commissioners for executing this Act.

Loans made or to be made under the said recited Acts or this Act, and which shall be paid to the Cashiers of the said Bank of *England* upon such or the like Certificates, under the Hands of the said Commissioners of the said recited Acts and of this Act, as have been heretofore used for such Purpose in regard to Exchequer Bill or other Loans as directed by the said recited Acts or some or One of them, in such or the like Manner in all respects as if the Clauses and Provisoes in the said recited Acts or any of them with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit.

Money paid into the Bank to the Account of Commissioners for executing this Act to be carried to and be made Part of the Consolidated Fund.

**5.** All and every Sums and Sum of Money which shall be paid into the Bank of *England* to the Account of the Commissioners for executing this Act under and by virtue of this Act shall from Time to Time, at such Periods as the Commissioners of Her Majesty's Treasury shall direct, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners for executing recited Acts to be Commissioners together with others for executing this Act.

**6.** The several Persons who in and by or under the said recited Acts or any of them are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, together with *Paul Butler* Esquire, *George Grenfell Glyn* Esquire, *Thomson Hankey* Esquire, *Thomas Newman Hunt* Esquire, and *Henry Hussey Vivian* Esquire, (who have been appointed Commissioners for the Execution of the said recited Acts, under the Authority of the same, or some or One of them,) shall be and they and all future Parties so constituted are hereby constituted Commissioners for the Execution of the said recited Acts and this Act; and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration before acting.

**7.** The said Commissioners named in and by or under the said recited Acts or any of them, or this Act, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

'I *A.B.* do declare, That according to the best of my Judgment I 'will faithfully and impartially execute the several Duties, Powers, 'and Trusts vested in me by an Act intituled [*insert Title of* '*this Act*], according to the Tenor and Purport of the said Act, 'and

'and the Acts therein recited, and other Acts having reference 'thereto.'

And such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Monies to be advanced under this Act to be certified to the Commissioners for the Reduction of the National Debt.

8. When and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being, and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt, and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General, or Assistant Comptroller, or Chief Clerk acting under the said last-mentioned Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-mentioned Commissioners, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England;* and such Cashiers, or One of them, shall upon the Production of every such Order pay the Sum mentioned therein to the Person or Persons mentioned in every such Order, and the Signature of such Person or Persons jointly or severally shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt and to the said Governor and Company respectively, provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act or of the said recited Acts.

Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.

9. The said Commissioners for the Execution of the said recited Acts and this Act shall cause to be made up an annual Account to the Thirty-first Day of *March* in each Year of the Amounts placed at their Disposal under the said recited Acts and this Act, the Amounts advanced, and the Amounts remaining unissued, also an Account of the

the Amount of the Loans advanced by the said Commissioners under the said recited Acts and this Act, the Monies received on account thereof and paid into the Exchequer, and the Balance of Principal and Interest outstanding, distinguishing each Class of Loans, and also showing the Amounts advanced and repaid in respect of each such Class during the Year ending the Thirty-first Day of *March* immediately preceding the Date of such Account, and the said Commissioners shall in each Year cause such Accounts to be laid before both Houses of Parliament on or before the Thirtieth Day of *June*, if Parliament be sitting, or if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

Commissioners for Reduction of the National Debt to furnish annual Account of the Fund for Audit.

**10.** The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances in the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts at *Somerset Place*.

Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

**11.** None of the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them shall be affected nor be deemed to have been affected by anything in this Act, or in any other Act or Acts of Parliament already passed or to be passed, except so far as the same is by this Act, or may by any such Act passed or to be passed, be altered, varied, or repealed by express Reference to the said recited Acts or this Act; and all and every the same several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act and to everything to be done in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. LXXXI.

### An Act to repeal the Provisions in certain Statutes relative to the Salary of the Lord Clerk Register in *Scotland*. [6th *August* 1861.]

WHEREAS by the Fifth and Sixth Sections of an Act passed in the Fifty-seventh Year of the Reign of His Majesty *George* the Third, Chapter Sixty-four, intituled *An Act to abolish certain Offices, and to regulate others in* Scotland. it is *inter alia* provided that from and after and upon the Termination of the then existing Interests in the Offices of Keeper of the Signets and Lord Register in *Scotland* respectively, or upon either of the same becoming vacant, the Duties of Keeper of the Signet in *Scotland* should be discharged by the Lord Register, and that it should not be lawful to His Majesty, His Heirs or Successors, to grant to any Person who should thenceforth be appointed to discharge the Duties of Lord Register in *Scotland* a higher Salary, nor should any Person who should be appointed to discharge such Duties enjoy a higher Salary in respect of such Appointment, than One thousand two hundred Pounds *per Annum*, and that the Fees payable to the Lord Register for *Scotland*, or in respect of the Duties discharged by any Person or Persons in the Office of the said Lord Register, should continue to be paid and payable and should be applied in the Manner 57 G. 3. c. 64.

specified in the said Act, and that any Balance of such Fees which should remain should be paid to the Receiver General of *Scotland* at least once in Three Months, or as the Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, should direct, and should be paid and accounted for by him with the other Public Monies received by him: And whereas by an Act passed in the Third Year of the Reign of His Majesty *George* the Fourth, Chapter Sixty-two, passed for the Regulation of the Fees chargeable in the General Register House in *Edinburgh*, it was provided that it should be lawful for the Lord President of the Court of Session in *Scotland*, the Lord Register of *Scotland*, the Lord Advocate of *Scotland*, the Lord Justice Clerk, the Lord Chief Baron of the Court of Exchequer in *Scotland*, and the Lord Chief Commissioner of the Jury Court, all for the Time being, or any Three or more of them, to modify and regulate in such Manner as to them should appear just and proper the Fees which should be payable for or in respect of the Office of Lord Register, or in respect of the Duties discharged by any Person or Persons in the Office of Lord Register: And whereas it is expedient to repeal so much of the said recited Acts as provides that any Salary or Fees should be payable for or in respect of the Office of Lord Clerk Register: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3 G. 4. c. 62.

So much of recited Acts as provides Payment of Salary or Fees to Lord Clerk Register repealed.

1. So much of the said recited Acts as provides the Payment of any Salary or Fees for or in respect of the said Office of Lord Clerk Register for *Scotland* shall be and the same is hereby repealed; and from and after the passing of this Act no Salary or Fees shall be payable for or in respect of the said Office; and the like Monies which were applicable before the passing of this Act to the Payment of the Salary of the Lord Clerk Register shall be applied in like Manner with the Balance of the Fees which should remain as directed by the first-recited Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *July* One thousand eight hundred and sixty-three, and no longer.

Vacancy in Number of Commissioners.

4. If any Vacancy occur in the Number of the Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents.

5. The Commissioners, in the Exercise of the Authorities hereby vested in them, shall have Power to require from any Officer of the University of *Durham*, or of any College therein, including Halls under the Term Colleges, the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof, respectively, and no Oath which may have been taken by any Officer shall be a Bar to any Authorities of the Commissioners.

Powers of Commissioners.

6. For the Purpose of promoting Religious Education, useful Learning, and practical Knowledge in the University of *Durham* and the Colleges therein, and of furthering the main Designs of the Founders and Donors, so far as is consistent with the above Purposes, it shall be lawful for the Commissioners, notwithstanding anything to the contrary contained in any Order of Council, Statute, Charter, Deed, or Instrument of Foundation or Endowment, but subject to the Restrictions herein-after mentioned, to make Ordinances for the Purposes following; that is to say,

(1.) For repealing, modifying, or altering any Order in Council, Statute, or Regulation relating to the University or the Colleges thereof:

(2.) For altering the Subscription required to be made on proceeding to any Degree in the University:

(3.) For altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, or Scholar therein:

(4.) For repealing, altering, and amending the College Statutes, and for making fresh Provision respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Headship, Fellowships, and Emoluments, and respecting the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to ensure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the said Objects to modify or abolish any Right of Preference:

(5.) For the Consolidation, Division, or Conversion of Emoluments attached to Schools into Scholarships or Exhibitions so attached,

tached, or either partly so attached and partly open, or altogether open:

(6.) For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise:

(7.) And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such University and Colleges, and for amending the Statutes thereof from Time to Time.

Restrictions on Exercise of Powers by Commissioners.

7. The following Restrictions shall be imposed on the Exercise by the Commissioners of the foregoing Powers:

(1.) No Ordinance shall be made to the Prejudice of the existing Interest of any Member of the University or Colleges:

(2.) No Ordinance shall be made inconsistent with an Act passed in the Session holden in the Second and Third Years of His late Majesty King *William* the Fourth, Chapter Nineteen (Private), and intituled *An Act to enable the Dean and Chapter of* Durham *to appropriate Part of the Property of their Church to the Establishment of a University in connexion therewith for the Advancement of Learning;* or with a Charter granted to the University by His late Majesty King *William* the Fourth, and dated the First of *June* One thousand eight hundred and thirty-seven; but the Admission of Persons other than those belonging to the Established Church to the Emoluments of the University shall not be deemed inconsistent with the said Act or Charter:

(3.) No Ordinance of the Commissioners shall be of any Validity until the same has been confirmed by Order of Her Majesty in Council as herein-after mentioned.

Ordinances to be laid before the Queen in Council.

8. All Ordinances framed by the Commissioners under the Powers herein contained shall be laid before Her Majesty in Council and be forthwith published in the *London Gazette;* and it shall be lawful for the University of *Durham* and the Colleges thereof, and for the Visitors of any College in the University, and for the Visitor, and for the Trustees, Governors, and Patron of any University or College Emolument, and for any other Person directly affected by such Ordinances, within One Month after the Publication as aforesaid in the *London Gazette*, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, to be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Statutes to be laid before Parliament.

9. All Ordinances published in the *London Gazette* as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after

after the Commencement of the next ensuing Session of Parliament; and unless an Address is within Forty Days presented by one or other of the said Houses, praying Her Majesty to withhold Her Consent from such Ordinances or any Parts thereof, or unless the Approbation of Her Majesty is withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Ordinances, or any Parts thereof to which such Address does not relate, or of which She does not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of *Durham*, or of the College therein to which the same respectively relate; and if any such Ordinances, or any Part thereof, are not so approved by Her Majesty, it shall be lawful for Her Majesty to signify Her Disapproval of such Ordinances or such Part thereof by Order in Council, and the Commissioners may thereupon proceed to frame other Ordinances in that Behalf, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council, and all other Conditions and Provisions, as are imposed by this Act in relation to the making of original Ordinances by the Commissioners, and so on from Time to Time as often as Occasion requires.

Statutes by Commissioners subject to Repeal, &c.

**10.** Every Ordinance made by the Commissioners in pursuance of the Provisions of this Act affecting the University or any College thereof, shall be subject to Repeal and Alteration by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

**11.** No Person who, after the passing of this Act, becomes a Member of the University of *Durham* or any College therein, or is elected or becomes eligible to any University or Collegiate Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Powers of University to continue in force, as altered by this Act.

**12.** Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

Interpretation of Terms.

**13.** In the Construction of this Act the Expression "University or College Emolument" shall include all Headships, Fellowships, Scholarships, Exhibitions, Clerkships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

No. 2.

Notice of Objection to be given to Assessor

To the Assessor of the County of

I hereby give you Notice, That I object to the Name of the Person named and described below being entered [*or* retained] in the Register of Voters for the County of

| Christian Name and Surname of the Person objected to at full Length. | Place of Abode. | Nature of Qualification. | Street, Lane, or other Place where the qualifying Property is situate, &c. | Parish in which Property is situate. |
|---|---|---|---|---|
| | | | | |

Dated the Day of 18 .

(Signed) E.F.

(Designation and Place of Abode.)

No 3.

Notice of Objection to be given to Person objected to by any Person other than the Assessor.

County of , Parish of

To Mr. of

Take notice, That I object to your Name being entered [*or* retained] in the Register of Voters for the County of

Dated this Day of 18 .

(Signed) E.F.

(Designation and Place of Abode.)

## SCHEDULE (D.)

I *A.B.* declare, That I am the Person whose Name appears on the Register of Voters now in force for the County of as *A.B.* [*Name and Surname, and Place of Abode, as in Register*], and that I have not before voted at this Election, and that I am possessed of a Qualification which entitles me to vote at this Election.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

No. 3

County of

List of Persons objected to as not being entitled to have their Names entered or retained on the Register of Voters for the Election of a Member of Parliament for the County of

| Christian Name and Surname of each Person objected to at full Length. | Place of Abode. | Nature of Qualification. | Street, Lane, or other Place where the qualifying Property is situate, &c. | Parish in which Property is situate |
|---|---|---|---|---|
| | | | | |

(Signed) A. B.
Assessor of the County of

## SCHEDULE (C.)

### Forms of Notices.

No. 1.

Notice of Claim to be given to Assessor

To the Assessor of the County of

I hereby give you Notice, That I claim to have my Name entered in the Register of Voters for the Election of a Member of Parliament for the County of and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of 18

(Signed) C.D.

| Christian Name and Surname of each Claimant at full Length. | Place of Abode. | Nature of Qualification. | Place where Property is situated. | Parish in which Property is situated. |
|---|---|---|---|---|
| | | | | |

## SCHEDULE (B.)

### Forms of Lists.

No. 1.

County of

List of Persons entered in the Register of Voters for the County of who have died or become disqualified, and of Persons who have become entitled to vote in the Election of Members of Parliament for the said County, in respect of Lands and Heritages situate in whole or in part within the following Parishes:—

(1.) Parish of

| Christian Name and Surname of each Voter at full Length. | Place of Abode. | Dead or become disqualified. | In the Case of Persons who have become entitled to vote. | |
|---|---|---|---|---|
| | | | Nature of Qualification. | Street, Lane, or other Place where the Property is situate, and Number of House, (if any,) or Name of Property, and the Name of the Tenant, or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them; and the Situation of the Property. |
| *C. D.* | *of G.* | *dead.* | | |
| *E. F.* | *residing at* | *disqualified.* | | |

(Signed) A. B.
Assessor of the County of

No 2.

County of

List of Persons who have given Notice to the Assessor on or before the 25th Day of August 18 of Claims to be entered in the Register of Voters for the Election of a Member of Parliament for the County of

(1.) Parish of

| Christian Name and Surname of each Claimant at full Length. | Place of Abode. | Nature of Qualification | Place where Property is situated. | Parish in which Property is situate. |
|---|---|---|---|---|
| | | | | |

(Signed) A. B.
Assessor of the County of

No. 3.

## SCHEDULE (A.)

| No. | Description of Subject | Proprietor. | Occupier. | Tenant. Not under Lease of 19 Years or upwards. | Tenant. Under Lease of 19 Years and less than 57 Years. | Tenant. Under Lease of 57 Years or upwards. | Rent payable under such Lease. | Feu Duty or Ground Annual, &c | Feu Duties, to whom payable. | Yearly Rent or Value. 1861. | 1862. | 1863. | 1864. | 1865. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Farm of | A.B. of C. | E.F., residing at | G.H., residing at | G.H., residing at | G.H., residing at | — | — | — | £60 | — | — | — | — |
| | — | — | — | — | — | — | — | — | — | — | £60 | — | — | — |
| | — | — | — | — | — | — | — | — | — | — | — | £65 | — | — |
| | — | — | — | — | — | — | — | — | — | — | — | — | £65 | — |
| | — | — | — | — | — | — | — | — | — | — | — | — | — | £65 |
| 2 | Manor House and Grounds of | A.B. of C. | L.M., Advocate | L.M., Advocate | — | — | — | — | — | £40 | — | — | — | — |
| | — | — | O.P. of Q | — | — | — | — | — | — | — | £40 | — | — | — |
| | — | — | — | — | — | — | — | — | — | — | — | £40 | — | — |
| | — | — | — | — | — | — | — | — | — | — | — | — | £40 | — |
| | — | — | — | — | — | — | — | — | — | — | — | — | — | £40 |

SCHE-

it shall be lawful for the Sheriff, in his Registration Court, to insert in the Register of Voters in which the Name of such Person shall appear as aforesaid, against the Name of such Person, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at every Election for the County at the said last-mentioned Polling Place, and not elsewhere, anything in the first-recited Act to the contrary notwithstanding.

Misnomer not to vitiate.

**44.** No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any List or Register of Voters, or in any Notice required by this Act, shall prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so named or described in such List, Register, or Notice as to be commonly understood; and it shall be lawful for the Sheriff, in his Registration Court, if it shall appear to him that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such List, Register, or Notice to be corrected or supplied.

Repeal of Part of Sect. 26. of 2 & 3 W. 4. c. 65., and a Declaration as in Sched. (D.) substituted for Oath, &c.

**45.** The following Words in Section Twenty-six of the first-recited Act are hereby repealed; that is to say, the Words "of his "being still possessed of the Qualification there recorded, on his own "Account, and not in trust for or at the Pleasure of any other Person;" and a Declaration in the Form of the Schedule (D.) to this Act annexed shall be substituted for the Oath or solemn Affirmation in the Form of the Schedule (I.) annexed to the first-recited Act; and wherever, according to the Provisions of the said Act, an Oath or solemn Affirmation, as the Case may be, in the Form of the Schedule (I.) to the said Act annexed, may be put and is required to be taken, there shall be put and be required to be made a Declaration in the Form of the Schedule (D.) to this Act annexed; and the said Act shall for the future be read and construed as if the Schedule (D.) to this Act annexed were the Schedule (I.) annexed to the said Act; and if any Person shall wilfully make the said Declaration, knowing the same to be false, he shall be guilty of a Crime and Offence, and shall be liable to be prosecuted accordingly, and punished by Fine or Imprisonment.

Commencement of Act.

**46.** This Act shall commence and take effect on the First Day of *January* One thousand eight hundred and sixty-two.

SCHE-

this Act, the said Commissioners shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied on the Lands and Heritages within such County, exclusive of any Lands and Heritages within the Parliamentary Bounds of any Burgh returning or contributing to return a Member to Parliament, according to the yearly Rent or Value of such Rents and Heritages, and to be collected along with any County Rate for the current Year; and any Balance of Funds remaining on hand from Time to Time in such County arising from such Assessment under this Act in any Year, after paying the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the said Commissioners in such Manner as they think fit for defraying the Expenses of Registration under this Act in subsequent Years, but for no other Use or Purpose whatever: Provided always, that no County shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses: Provided also, that nothing herein contained shall alter the Provisions of an Act passed in the Twentieth and Twenty-first Year of the Reign of Her Majesty, Chapter Fifty-eight, to amend the second-recited Act.

20 & 21 Vict c. 58.

**42.** At every future Election for a Member to serve in Parliament for any County the Register of Voters made up as herein-before provided shall be deemed and taken to be conclusive Evidence that the Persons therein named have the Qualifications which are annexed to their Names respectively in the Register in force at the Time of such Election: Provided always, that if any registered Voter shall, after the Completion of the Register in any Year, have ceased to be the Proprietor or the Occupant, as the Case may be, of the Property in respect of which he was enrolled, he shall not be entitled to vote unless he have retained or acquired a Qualification which would entitle him to have his Name continued or inserted on the Register.

Register to be conclusiv Evidence of Qualification.

**43.** Any Person whose Name shall appear in the Register of Voters for any Parish in any County, and whose Place of Abode shall not be within the Polling District at which such Parish shall be allotted to poll, but within the same County, may claim before the Sheriff to vote at the Polling Place of the District wherein his Place of Abode may be situate; and any Person whose Name shall appear in the Register of Voters for any County, and whose Place of Abode shall not be within the County, may in like Manner claim to vote at the Polling Place of any District within such County; and every such Person shall make such Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Sheriff, and

County Voters may be transferred from one Polling District to another.

Penalties on Assessors and others for Neglect of Duty.

**38.** Any Assessor who shall wilfully refuse or neglect to make out any List of Voters, or who, in making out any such List, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or any List of Voters or of Claims, at the Time and in the Manner required by this Act, and any Sheriff Clerk who shall culpably neglect to make up any List of Claims or Register of Voters, pursuant to this Act, and any Assessor or Sheriff Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to a Fine of not less than Five Pounds and not exceeding Twenty Pounds, to be imposed by and at the Discretion of the Sheriff.

Penalties to be applied for the Purposes of this Act.

**39.** The Sheriff, when and so often as he shall impose any Fine under the Authority of this Act, shall at the same Time, in open Court, by an Order in Writing stating the Amount of such Fine, direct by and to whom and when the same shall be paid; and the Person to whom the said Fine shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the making up of the Register of Voters for any County, he shall pay over the Sum so received by him to the Assessor of such County for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

**40.** The Sheriff Clerk shall keep an Account of all Monies received by him for Copies of the Register of Voters or List of Claims, or Parts thereof, or otherwise under this Act, and shall account for and pay over the same to the Assessor of the County for the Purposes of this Act; and the Assessor shall keep an Account of all Monies received by him for Copies of the Lists of Voters or Parts thereof, or otherwise under this Act, and shall account for the same for the Purposes of this Act.

Expenses of annual Registrations, how to be defrayed.

**41.** As soon as may be after the Completion of each annual Registration under this Act the Commissioners of Supply of each County shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such County, and shall ascertain and fix the Amount thereof, including therein the Remuneration to Assessors which they may deem proper, and shall also cause an Account to be made up of all Monies which shall have been received by the Assessor under this Act for the Purposes thereof; and where the Amount of the Costs and Expenses so ascertained shall exceed the Amount of the Monies received for the Purposes of this

thereon; and the said Judges shall with all convenient Speed hear Parties and give their Decision on such Case, and shall confirm or reverse the Decision of the Sheriff; and in the event of Reversal the Register shall be forthwith altered accordingly, by or at the Sight of the Sheriff; and if it shall appear to the Sheriff that his Judgment respecting the Qualifications of any Two or more Persons depends on the same Question of Law, he shall append to such Special Case the Names of all such Persons who have appealed against his Judgment on their respective Claims; and the Decision of the said Judges on such Special Case shall extend and apply to the Qualifications of all such Persons, in like Manner as if a separate Appeal had been taken in the Case of each of them; and the Decision of the said Judges shall be final, and not subject to Appeal or Review by any Court or in any Manner whatsoever.

Dependence of Appeal not to affect Right of voting, and Decision on a depending Appeal not to affect Poll.

**35.** The Right of voting at any Election of a Member to serve in Parliament shall not be affected by any such Appeal depending at the Time of issuing the Writ for such Election, and it shall be lawful for every Person whose Name has been entered on the Register of Voters to exercise the Right of voting at such Election as effectually, and every Vote tendered thereat shall be as good, as if no such Appeal were depending; and the subsequent Decision in any Appeal which shall be depending at the Time of the issuing of the Writ for any such Election shall not in any way whatever alter or affect the Poll taken at such Election, or the Return made thereat by the Returning Officers.

Penalty on Persons not attending Registration Courts when required.

**36.** Any Person who shall wilfully refuse or neglect, when duly required by the Sheriff, to attend as a Witness or a Haver before him at any Court to be held under the first-recited Act or this Act, or who shall refuse to produce any Documents or Writings in his Possession or Power, shall for every such Offence be liable to a Fine of not less than One Pound and not exceeding Five Pounds, to be imposed by and at the Discretion of the Sheriff.

Sheriff may award Costs, and Witnesses and Havers to be paid their Expenses.

**37.** It shall be lawful for the Sheriff to award Expenses against any Person maintaining any frivolous Objection to the Claim of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Process awarded by the Sheriff in an ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of the first-recited Act or this Act, shall be entitled to demand, from the Person citing them or causing them to be cited as such Witnesses or Havers, their reasonable Expenses, in the same Manner and at the same Rate of Payment as any Witness or Haver cited as such to any ordinary Civil Court; and the Lord Ordinary shall have Power to award the Costs of any Appeal.

**38.** Any

Name its proper Number, beginning the Numbers from the First Name, and continuing them in a regular Series down to the last Name; and the Sheriff Clerk shall sign such Book, and deliver the same, on or before the Thirty-first Day of *October* in each Year, to the Sheriff, to be kept by him for the Purposes specified in the first-recited Act and this Act.

Register, signed by Sheriff Clerk, to be the Register of Voters.

**31.** The Book so signed as aforesaid by the Sheriff Clerk, and delivered to the Sheriff, shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the County between the Thirty-first Day of *October* in the Year in which such Register shall have been made and the First Day of *November* in the succeeding Year; and the Sheriff Clerk shall keep a Copy of such Register, and shall deliver a Copy thereof or of any Part thereof to any Person applying for the same, on Payment for every such Copy at the Rate of Sixpence for every One hundred Names copied: Provided that the Registers of Electors made up in the Year One thousand eight hundred and sixty-one shall be the Registers in force for Elections of Members to serve in Parliament until the First Day of *November* One thousand eight hundred and sixty-two.

Sheriff to cause printed Copies of Register to be entered in Books.

**32.** The Sheriff shall, in addition to the said General Register, cause printed Copies of the same to be entered in a Book or Books, according to the Number of Polling Districts in each County, embracing the Parishes respectively attached to each District.

Register of Voters to be in force till revised and altered.

**33.** Every Register of Voters made up or that shall be made up for any County under the Provisions of this Act shall be the Register for such County until the same shall be revised and altered, pursuant to this Act, and shall for all Purposes come in place of the Register directed to be completed by the first-recited Act.

Persons dissatisfied with Judgment of Sheriff may appeal on Points of Law to Lords Ordinary.

**34.** If any Person whose Name shall have been struck out of the Register by the Sheriff, or who shall claim or object before the Sheriff at any Court, shall consider the Decision of the Sheriff on his Case to be erroneous in point of Law, he may, either himself or by some Person on his Behalf, in open Court, require the Sheriff to state the Facts of the Case, and such Question of Law, and his Decision thereon, in a Special Case; and the Sheriff shall prepare and sign such Case, and deliver the same in open Court to the Sheriff Clerk; and such Person, or some Person on his Behalf, may thereupon, in open Court, declare his Intention to appeal against the said Decision, and may within Ten Days of the Date of such Case lay a certified Copy thereof before the Senior Lord Ordinary and the Lord Ordinary in Exchequer Causes in the Court of Session, for their Decision thereon;

**26.** If any Person who shall have given to the Assessor due Notice of his Claim to have his Name inserted in the Register or List of Persons entitled to vote in the Election of a Member to serve in Parliament for any County shall have been omitted by the Assessor from such Register or List, the Sheriff shall, on the Revision of such Register, insert therein the Name of the Person so omitted, if it shall be proved to the Satisfaction of the Sheriff that such Person is, and was on the Thirty-first Day of *July* last preceding, entitled to be inserted therein in respect of the Qualification described in such Notice of Claim.

Claimants omitted in Lists may be enrolled by Sheriff.

**27.** It shall be lawful for any Person whose Name shall be on the Register or List of Voters for any County to oppose the Claim of any Person to have his Name inserted in the Register for such County on the Ground of his Name having been omitted; and such Person intending to oppose any such Claim shall, in the Court to be held for the Revision of such Register, and before the Hearing of such Claim, give Notice in Writing to the Sheriff of his Intention to oppose such Claim, and shall thereupon be admitted to oppose the same by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities as to Costs, Appeals, and other Matters relating to the Hearing and Determination of such Claim as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

Claims omitted may be objected to.

**28.** It shall be lawful for the Sheriff, upon *ex-parte* Application made to him to that Effect by any Claimant or Objector, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim or Objection to be discussed before any Registration Court to be held by the Sheriff of the County.

Sheriffs may grant Warrant to cite Parties, &c., and grant Diligence for Recovery of Writings.

**29.** Every Sheriff holding any Court under the first-recited Act or this Act shall have Power to adjourn the same from Time to Time, and from any one Place to any other Place within the same County, but so that no such adjourned Court shall be held after the Fifth Day of *October* in any Year.

Sheriffs may adjourn Registration Courts, but not beyond 5th October.

**30.** The Sheriff shall, on or before the Fifth Day of *October* in each Year, authenticate the Register by subscribing the same, and shall mark with his Signature or Initials every Alteration of or Addition to the Register; and the Sheriff Clerk shall forthwith cause the Register, signed as aforesaid, to be entered in a Book, with the Names in each Parish arranged in strict alphabetical Order, according to the Surnames, and shall in such Book prefix to every

Sheriff Clerks to enter and authenticate Register.

Objections, or Parts thereof, shall be delivered by the Assessor to Persons applying for the same on Payment therefor as herein-before provided.

Sheriff to hold Courts for Revisal and Correction of Register.

**23.** Every Sheriff shall, between the First Day of *September* and the Fifth Day of *October* in each Year, revise and correct the Register of Voters for the County, and for that Purpose shall hold open Court at the Places prescribed in the first-recited Act, and shall, on or before the First Day of *September* in each Year, deliver or transmit to the Sheriff Clerk a Notice of the Days on which he is to hold the Court; and the Sheriff Clerk shall forthwith give Notice thereof by special Advertisement, and shall also give Notice to the Assessor, requiring him to attend at the Court.

Sheriff Clerk to produce Lists prepared by Assessor, and Notices of Claim and of Objection.

**24.** The Assessor shall, on or before the First Day of *September* in each Year, deliver to the Sheriff Clerk the Lists of Voters made out by him as before provided, and the Lists of Persons claiming and objected to; and the Sheriff Clerk shall lay before the Sheriff, at or prior to the holding of the Registration Court, the corrected Copy of the Register of Voters and the Lists delivered to him by the Assessor; and the Assessor shall attend the Court, and shall deliver to the Sheriff the original Notices of Claims and Objections; and the Valuation Roll for the Year shall be laid on the Table of the Court by the Person having the Custody of the same; and the Sheriff may require the Production of all Documents in the Hands of any Sheriff Clerk, Clerk of Supply, or Assessor which he may think necessary.

Assessor to maintain Lists, and answer Objections thereto, and Claims and Objections to be disposed of.

**25.** It shall be the Duty of the Assessor to maintain the Register and the List of Voters prepared by him, and to answer, so far as he can, any Objections with respect to the undue Omission or the undue Insertion of the Name of any Person in such Register or Lists; and it shall be lawful for any Person who shall have given any Notice of Claim or any Notice of Objection to support the same before the Court, by himself, his Agent or Mandatory; and the Sheriff shall decide on all such Claims and Objections summarily, and without any Record or written Pleadings, and shall, if necessary, alter the Register in conformity with such Decision, and such Decision shall be final, excepting as herein-after provided; and every Mandate produced to the Court, and bearing to be signed by any Person entitled to give or to support any Notice of Claim or of Objection, shall be *primâ facie* a sufficient Mandate, and shall have all the Privileges of a judicial Mandate.

**26.** If

**18.** No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place and for the full Time herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided that nothing herein contained shall be construed to exempt any Assessor or other Person, acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred.

Lists not invalidated by deficient Publication.

**19.** No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any Public Officer or other Person to whom Claims or Objections are appointed to be given in or transmitted.

Errors of Officers not to affect Claims.

**20.** Any Person whose Name shall be on the Register or any List of Voters for the County, or who shall have claimed to have his Name inserted in any such Register or List, may, at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of any Day, except *Sunday*, between the Sixteenth Day of *August* and the Twenty-first Day of *October* in each Year, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

**21.** It shall be lawful for any Person whose Name shall be entered on the Register of Voters for any County to object to the Name of any other Person being entered or remaining on the Register of Voters of such County, provided such Person, on or before the Twenty-fifth Day of *August* in any Year, give to the Assessor and to the Person so objected to Notices of Objection in the Forms No. 2. and No. 3. of the Schedule (C.) to this Act annexed.

Objection to Persons on the Register, or claiming to be put on the Register as in No. 2. and No. 3. of Sched. (C.)

**22.** On or before the First Day of *September* in every Year the Assessor shall make up a List of the Objections to Claims of which Notice has been given to him on or before the Twenty-fifth Day of *August* preceding, arranged alphabetically in Parishes, in the Form No. 3. of the Schedule (B.) to this Act annexed; and such List of Objections shall be affixed, published, and open to Inspection at the same Places and during the same Time as is herein-before provided with respect to the List of Claims; and Copies of such List of Objections.

List of Objections made up by Assessor.

Names may be omitted by Desire.

**12.** If any Person shall intimate in Writing to the Assessor his Desire that his Name shall not be inserted in any such List, the Assessor shall not insert in such List the Name of such Person.

Assessors disqualified from voting.

**13.** Every Assessor, whether acting under this or the second-recited Act, shall, while he continues such Assessor, be disqualified from being registered as a Voter in the County of which he is Assessor, and from voting or taking part in any Election of a Member to serve in Parliament for such County.

Provision for filling up ad interim Offices on the Holders of which Duties are imposed by this Act.

**14.** Where in any County any Office upon the Holder of which Duties are imposed by this Act shall become vacant, it shall be lawful for the Sheriff to appoint a fit Person to perform ad interim the Duties of such Office, in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as may be fixed by the Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office which had become vacant.

Provision as to Service of Notices.

**15.** Where any Notice is by this Act required to be given to the Sheriff Clerk or Assessor, it shall be sufficient if such Notice be delivered to him personally, or left at his principal Office, or sent to him by Post in a registered Letter addressed to him at his principal Office; and where by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be delivered to him personally, or sent in a Letter by Post, Postage paid, addressed to him, with a sufficient Direction, at his usual or last known Place of Abode.

Lists put up to be maintained and Provision for replacing same.

**16.** Where any List shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including Two consecutive *Sundays* at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give the Notice.

Penalty for injuring Lists put up.

**17.** Every Person who shall wilfully mutilate or remove any List so affixed during such Period shall for every such Offence be liable to a Penalty of not less than Ten Shillings and not exceeding Forty Shillings, to be recovered by any Person who may sue for the same, in a summary Manner, before the Sheriff or any Two Justices of the Peace.

**18.** No

the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable by such Proprietor as a Condition of his Right, be reduced below Ten Pounds, nor of any Proprietor who shall have failed to furnish Evidence of the Amount of such Feu Duty, Ground Annual, or other Consideration, as required by Section Fourth of this Act, nor of any Tenant under a Lease of Fifty-seven Years or upwards when the Rent payable under such Lease, as the Consideration of the Right, shall reduce the Value of such Lease below Ten Pounds, nor of any such Tenant who shall have failed to furnish Evidence of the Amount of such Rent, as required by the said Section.

Persons omitted from Register may claim to be registered, as in No. 1. Sched. (C.)

**9.** It shall be lawful for any Person whose Name has been erroneously struck out or omitted from the Register of Voters, or from the List of Voters made up by the Assessor, to give Notice to the Assessor on or before the Twenty-fifth Day of *August* in any Year, in the Form No. 1. of the Schedule (C.) to this Act annexed, of his Claim to have his Name entered in the Register of Voters for the County, on the Ground that he has one or other of the Qualifications required by the first-recited Act.

Assessor to make up and publish List of Claims, as in No. 2. of Sched. (B.)

**10.** On or before the First Day of *September* in every Year the Assessor shall make up a List of the Claims of which Notice has been given to him, in the Form No. 2. of the Schedule (B.) to this Act annexed, with the Names of the Persons claiming arranged alphabetically in Parishes, and shall give Notice by Special Advertisement that such List of Claims has been prepared, and shall specify in such Notice the Office or Place at which such List will be open to Inspection; and shall cause a written or printed Copy of such List, or of such Part thereof as relates to each Parish in the County, to be affixed on the Door of the Church of such Parish; and Copies of such List shall be open to Inspection from the Second to the Fourteenth Days of *September*, both inclusive, in each Year; and Copies of such List, or Parts thereof, shall be delivered by the Assessor to Persons applying for the same on Payment therefor as hereinbefore provided.

Assessor to correct Lists, and deliver Copy of Register to Sheriff Clerk.

**11.** The Assessor shall on a Copy of the Register furnished to him by the Sheriff Clerk strike out the Names of all Persons entered therein and included in the said first-mentioned List who have died or become disqualified, and add in alphabetical Order in each Parish the Names of all Persons who have become entitled to vote, and shall on or before the First Day of *September* in each Year deliver to the Sheriff Clerk of the County a complete Copy of the Register, subscribed by him, with all such Alterations thereon and Additions thereto.



**12.** If

ment and Advertisement being duly made by the Commissioners of Supply, the same shall be made by the Sheriff of the County within Five Weeks after the passing of this Act; and every such Assessor so appointed shall from the Date of his Appointment be specially charged with all the Duties incumbent on the Assessor under this Act; and where in any County the Assessor so appointed shall cease to hold Office, the Commissioners of Supply shall within Three Weeks thereafter appoint another Assessor to act as aforesaid, and shall give Notice by special Advertisement of such Appointment as before provided; and in the event of such Commissioners failing so to do, such Appointment and Advertisement shall be made by the Sheriff of the County within Five Weeks after any Assessor shall have ceased to hold Office as aforesaid: Provided that all other Assessors in any County or Burgh situate therein shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act.

Assessor to make up annually a List of Changes in Register, as in No. 1. of Sched. (B.)

8. On or before the Fifteenth Day of *August* in the Year One thousand eight hundred and sixty-two, and in every Year thereafter, the Assessor shall make out and subscribe, according to the Form No. 1. of the Schedule (B.) to this Act annexed, a List, arranged alphabetically in Parishes, of all Persons entered in the Register of Voters for the County who have died or become disqualified, and a like List of all Persons who shall appear from the Valuation Roll to have become entitled to vote in the Election of a Member of Parliament for the County, and shall give Notice by special Advertisement that such Lists have been prepared, and shall specify in such Advertisement the Office or Place at which such Lists shall be open to Inspection, and shall cause a written or printed Copy of such Lists, or of such Part thereof as relates to each Parish in the County, to be affixed on the Door of the Church of such Parish; and Copies of such Lists shall be open to Inspection by any Person in the Office or Place specified in such Notice, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of each Day except *Sunday*, from the Sixteenth to the Twenty-fifth Days of *August*, both inclusive, in each Year, and Copies thereof or of Parts thereof shall be delivered by the Assessor to all Persons applying for the same, on Payment for every such Copy at the Rate of Sixpence for every One hundred Words so copied: Provided always, that in making out the List of Persons who shall appear, from the Valuation Roll, to be entitled to vote in the Election of a Member of Parliament, the Assessor shall not transfer to the said List the Name of any Proprietor the Value of whose Property, as entered in the said Valuation Roll, shall, after deducting the

Rent or Value of Ten Pounds or upwards, and the Name of the Person to whom the said Consideration is payable, and also the Rent, calculated in Terms of the Ninth Section of the first-recited Act, payable by every Tenant holding any Lands or Heritages entered in such Roll as of the yearly Rent or Value of Ten Pounds or upwards, under any Lease originally granted for not less than Fifty-seven Years, exclusive of Breaks; and in order to the Ascertainment of such Particulars it shall be lawful for the Assessor to call upon any Proprietor or Tenant for Receipts or other written Evidence of the Amount of such Feu Duty, Ground Annual, or other Consideration, or of such Rent, and such Proprietor or Tenant shall be bound to furnish and deliver such Evidence to the Assessor, under the same Penalty in case of Failure or of false Statement as is provided in similar Cases by the second-recited Act, and it shall also be lawful for the Assessor to exercise all the Powers which under the second-recited Act he may lawfully exercise for the Purposes thereof; and when the Proprietor is a married Woman the Assessor shall further insert in such Roll the Name and Designation of her Husband.

Form for future Valuation Rolls of Counties to be as in Sched. (A.)

**5.** The Valuation Rolls of Counties and Burghs shall for the future be annually made up in the Form of the Schedule (A.) hereunto annexed, in place of the Form prescribed by the second-recited Act: Provided that it shall be competent to the Commissioners of Supply of any County, or the Magistrates of any Burgh, with the Sanction of the Lord Clerk Register or his Deputy, to make, as regards such County or Burgh respectively, such Alteration in the Form of the said Schedule, where this shall be found necessary or convenient, as may make it applicable to One Year only, or to any less Number of Years than Five Years.

Sheriff Clerk to deliver annually to Assessors a Copy of the Register of Voters.

**6.** The Sheriff Clerk of every County shall, on or before the Thirtieth Day of *June* in the Year One thousand eight hundred and sixty-two, and in every Year thereafter, make and cause to be delivered to the Assessor of such County, where there is but One Assessor, and where there is more than One Assessor, then to the Assessor specially appointed as is herein-after provided, a Copy of the Register of Voters then in force for such County, arranged alphabetically in Parishes.

Assessors to be nominated specially for this Act.

**7.** If in any County there shall be more than One Assessor in and for such County, or if there shall be a separate Assessor for any Burgh situate therein, then the Commissioners of Supply of the County shall, within Three Weeks after the passing of this Act, appoint One of such Assessors to perform the Duties herein-after imposed on such Assessor under this Act, and give Notice of such Appointment by special Advertisement; and failing such Appointment

something in the Subject or Context repugnant to such Construction:

"Burgh" shall mean any Royal Burgh not contributing as a Burgh to send a Member to Parliament, but entitled under the second-recited Act to appoint a separate Assessor:

"Assessor" shall mean the Assessor of any County or Burgh in and for which he is Assessor appointed under the second-recited Act, or any Assessor specially appointed under the Provisions of this Act, where such last-mentioned Appointment has been made:

"Sheriff" shall mean the Sheriff of the County of which he is Sheriff, and shall include Sheriff Substitute:

"Sheriff Clerk" shall mean the Sheriff Clerk of the County of which he is Sheriff Clerk, and shall include any Person discharging the Duties of such Sheriff Clerk:

"Valuation Roll" shall mean the Valuation Roll in force for the Time for any County, made up under the Authority of the second-recited Act, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time:

Where in this Act Notice is required to be given by "special Advertisement," such Notice shall be inserted once in at least Two Newspapers published in the County, or if there be no Newspaper or only One Newspaper published therein, in any Newspaper or Newspapers published in a County adjoining thereto:

"Proprietor" shall include Life Renter.

Provisions of first-recited Act as to forming Registers of Persons entitled to vote for Counties repealed.

**3.** The Clauses and Provisions of the first-recited Act enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in *Scotland* shall be and the same are hereby repealed, except as to any Register heretofore made, and in so far as the same may be necessary to give Effect to the Provisions of this Act; and this Act shall be taken to be Part of the said Act as fully as if it were incorporated therewith.

Future Valuation Rolls of Counties or Burghs to set forth additional Particulars.

**4.** In any future Valuation Roll to be made up in any County or Burgh under the Provisions of the second-recited Act, or of any other Act in force for the Time for the Valuation of Lands and Heritages in *Scotland*, the Assessor of every County or Burgh shall, in addition to the Particulars which are by the said Act required to be ascertained by him, and to be entered in such Roll, ascertain and enter in such Roll the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable as a Condition of his Right by every Proprietor of any Lands or Heritages entered in such Roll as of the yearly Rent

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. LXXXIV.

### An Act to amend the Law in *Scotland* relative to the Resignation, Powers, and Liabilities of gratuitous Trustees. [6th *August* 1861.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**What Trusts hereafter constituted shall be held to include.**

1. All Trusts constituted by virtue of any Deed or Local Act of Parliament under which gratuitous Trustees are nominated shall be held to include the following Provisions, unless the contrary be expressed; that is to say, Power to any Trustee so nominated to resign the Office of Trustee; Power to such Trustee, if there be only One, or to the Trustees so nominated, or a Quorum of them, to assume new Trustees; a Provision that the Majority of the Trustees accepting and surviving shall be a Quorum; and a Provision that each such Trustee shall only be liable for his own Acts and Intromissions, and shall not be liable for the Acts and Intromissions of Co-Trustees, and shall not be liable for Omissions.

**Not to affect Liabilities incurred by**

2. Nothing contained in this Act shall affect any Liability incurred by any gratuitous Trustee prior to the Date of any Resignation or



Assumption

Trustees prior to Resignation, &c.

Assumption under the Provisions of this Act, nor any Action at Law commenced before the passing of this Act.

Construction of the Term "Gratuitous Trustee."

3. A gratuitous Trustee shall, for the Purposes of this Act, be held to be any Trustee who receives no pecuniary or valuable Consideration for performing the Duties of a Trustee, and is under no Obligation, without special Acceptance of such Office, to discharge the Duties of Trustee: Provided always, that nothing in this Act shall extend to any Trustee appointed under the Contract of any Trading Company.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

9 & 10 Vict. c. 85. 14 & 15 Vict. c. 51. 19 Vict. c. 18. 24 & 25 Vict. c. 80.

was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Eighty-five: And whereas another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Fifty-one: And whereas another Act was passed in the Nineteenth Year of the Reign of Her present Majesty, Chapter Eighteen: And whereas by an Act passed in the present Session of Parliament, Chapter Eighty, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are empowered by Warrant under the Hands of any Two or more of them, to cause to be issued out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum* during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and sixty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and sixty-two: And whereas sundry Advances or Loans have been made by the Commissioners of Public Works in *Ireland* under the said first-recited Act and the several Acts since passed for amending and extending the same, for the Purposes in the same Acts specified, and great Benefits have been derived therefrom, and further Advances or Loans are required for the like Objects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Commissioners.

1. The Commissioners of Public Works for the Time being shall be Commissioners for the Execution of this Act.

Treasury may out of the 360,000*l.* per Annum granted by 24 & 25 Vict. c. 80. apply a Sum not exceeding 15,000*l.* per Quarter for Public Works in Ireland.

2. The said Commissioners of Her Majesty's Treasury by Warrant under the Hands of any Two or more of them may direct from Time to Time, out of the Sum not exceeding Three hundred and sixty thousand Pounds *per Annum* which by the said Act of this present Session of Parliament they are authorized to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Account of the Commissioners for the Reduction of the National Debt during the Term of Five Years next ensuing the Fourth Day of *April* One thousand

thousand eight hundred and sixty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter as aforesaid, there shall issue and be paid unto the said Commissioners for the Reduction of the National Debt during the said Term of Five Years a Sum not exceeding Fifteen thousand Pounds *per* Quarter, to be at the Disposal of the said Commissioners of Public Works as herein-after mentioned, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and sixty-two.

**3.** For the Purpose of receiving the said quarterly Instalments the said Commissioners for the Reduction of the National Debt shall continue or cause to be continued the separate Account already opened with them at the Bank of *England* under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for *Ireland*," which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books in which all Monies transferred to the said last-mentioned Account by virtue of this Act and the said recited Act of the Seventh Year of the Reign of Her present Majesty shall be kept apart from all other Monies, and such Monies shall be by the same Commissioners held subject to the Disposal of the said Commissioners of Public Works for the several Purposes of the said first-recited Act and the other Acts amending the same and of this Act.

The separate Account already opened to be continued at the Bank of England.

**4.** When the said Commissioners of Her Majesty's Treasury shall have sanctioned any Loan under this Act or any of the above-recited Acts, and the said Commissioners of Public Works shall have ascertained that any Sum of Money is required to be issued on account of such Loan, they shall forthwith certify the Amount of such Issue to the Commissioners for the Reduction of the National Debt for the Time being, and in every such Certificate the Loan in Payment of which such Issue is required, and the Party or Parties to whom such Issue is intended to be made, shall be stated, and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt, the Comptroller General, or Assistant Comptroller, or Chief Clerk acting under the last-named Commissioners shall upon the Back of such Certificate indorse and sign

When Treasury shall have sanctioned Loans, Commissioners of Public Works to certify Amount of Issue to National Debt Office.

Upon Certificate being produced Payment to be made.

sign an Order for the Payment of the Sum mentioned in such Certificate to the Governor and Company of the Bank of *England* to be by them placed to the Account of the Governor and Company of the Bank of *Ireland*, for the Account and Credit at the said Bank of the said Commissioners of Public Works: Provided always, that Approval of such Issue by the Commissioners of Her Majesty's Treasury shall appear on such Certificate under the Hand of One of their Secretaries, and that the Amount of such Issue shall not exceed the Sum for the Time being standing in the Names of the said Commissioners for the Reduction of the National Debt subject to the Disposal of the said Commissioners of Public Works.

Approval of Treasury of such Issue to appear on Certificate.

Order to be entered by the proper Officer, countersigned by the Actuary and addressed to the Cashiers of the Bank of England, who shall pay the same.

**5.** Every such Order of the Officer of the said Commissioners for the Reduction of the National Debt before the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said Commissioners for the Reduction of the National Debt, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England*, and such Cashiers or One of them shall, upon the Production of every such Order, pay the Sum mentioned therein to the Governor and Company of the Bank of *England*, and the Signature of One of the Cashiers of the said Governor and Company of the Bank of *England* shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt.

Commissioners for Reduction of National Debt to furnish an annual Account for Audit.

**6.** The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year, of the Receipts, Payments, and Balances on the said Account, so directed to be kept by them in respect of the said Public Works Loan Fund for *Ireland* as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

Appropriation and Entry of Repayments.

**7.** As soon as any Sum of Money shall have been lodged to the Credit of the Account of the Commissioners of Public Works at the Bank of *Ireland*, on account of the Repayment of Loans for Public Works, the said Commissioners of Public Works shall cause the Sum or Sums so lodged to be entered in their Books to the Credit of the Loan on account of which such Repayment shall have been made, and shall cause a Receipt to be delivered to the Party or Person on whose Account such Repayment shall have been so made, and such Receipt

Receipt shall be a sufficient Discharge to the Party or Person paying the same.

8. Every Sum of Money which shall be paid into the Bank of *Ireland* to the Account of the said Commissioners of Public Works on account of the Repayment of Loans for Public Works under this or any of the aforesaid Acts, shall from Time to Time, at such Periods and in such Manner as the Commissioners of Her Majesty's Treasury shall direct, be transferred by the said Commissioners of Public Works to the Account kept at the said Bank with Her Majesty's Exchequer, and when so transferred shall be carried to and make Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

All Sums paid into the Bank of Ireland to be carried to and made Part of the Consolidated Fund.

9. The said Commissioners for the Execution of the said recited Acts and this Act shall cause to be made up an annual Account to the Thirty-first Day of *March* in each Year of the Amounts placed at their Disposal under the said recited Acts and this Act, the Amounts advanced, and the Amounts remaining unissued, also an Account of the Amount of the Loans advanced by the said Commissioners under the said recited Acts and this Act, the Monies received on account thereof and paid into the Exchequer, and the Balance of Principal and Interest outstanding, distinguishing each Class of Loans, and also showing the Amounts advanced and repaid in respect of each such Class during the Year ending the Thirty-first Day of *March* immediately preceding the Date of such Account; and the said Commissioners shall, on or before the First Day of *June* in each Year, cause such Accounts and Statements to be transmitted to the Public Works Loan Commissioners at their Office in *London;* and such Accounts and Statements shall by the said last-mentioned Commissioners be laid before both Houses of Parliament on or before the Thirtieth Day of the same Month of *June*, if Parliament be sitting, or if Parliament be not sitting, then within Fourteen Days after the next Meeting of Parliament.

Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.

10. All the Enactments contained in the said recited Acts relating to Public Works in *Ireland* or any of them shall, except as is herein otherwise provided, extend to this Act and to all Things done or directed to be done by the said Commissioners of Her Majesty's Treasury or the said Commissioners of Public Works or their Secretary for the Time being, or any other Persons or Bodies Corporate, under the Authority of the said recited Acts or this Act or any of them,

Powers of recited Act as to Advances to have the same Force as if re-enacted in this Act.

them, in such or the like Manner as if they had been particularly and severally re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit, except so far only as the same are amended or altered by any of the said Acts or by this Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Answers to the said Petition, and if the Husband be furth of *Scotland*, the Petition shall be executed edictally against him on an Induciæ of Twenty-one Days; and upon considering such Petition the Lord Ordinary shall require Evidence of such Desertion, and on being satisfied thereof pronounce an Interlocutor giving to the Wife Protection of her Property as aforesaid against the Husband and all Creditors or Persons claiming under or through him; and if Answers be lodged to the said Petition, the Lord Ordinary may, on considering the same, and, if he consider it necessary, after hearing Parties, allow a Proof to them of their respective Averments, which Proof he shall take himself, and either write the Evidence with his own Hand, in which Case it shall be read over to the Witness by the Judge, and signed by the Witness, if he can write, or the Lord Ordinary shall record the Evidence by dictating it to a Clerk, in which Case it shall, when taken down, be read over and signed as above; or the Lord Ordinary shall cause the Evidence to be taken down and recorded by a Writer, skilled in Shorthand Writing, in manner after mentioned, and it shall be competent to the Lord Ordinary, in special Cause shown, instead of taking such Proof, to grant a Commission to take said Proof elsewhere than in *Edinburgh*, in which Case he may pronounce an Interlocutor setting forth such special Cause, and granting Commission to take such Proof, and if satisfied after Proof of the Fact of such Desertion, and that the same was without reasonable Cause, he shall pronounce an Interlocutor giving to the Wife Protection as aforesaid, and he shall appoint Intimation of the said Interlocutor having been pronounced to be made in One or more Newspapers published within the County within which the Wife is resident, or in such other Newspapers as the Lord Ordinary may appoint.

Husband or Creditor may apply by Petition, for Recal of Order.

**2.** It shall be lawful for the Husband, or any Creditor or other Person claiming in or through his Right, if such Creditor, Husband, or other Person have not lodged Answers as aforesaid, to apply by Petition to the Lord Ordinary by whom such Order was made for the Recal thereof; and the Lord Ordinary shall appoint such Petition to be answered by the Wife, and thereafter dispose of the Application as he shall think just; but such Recal shall not affect any Right or Interest onerously and *bonâ fide* acquired by any Third Party from the Wife before said Recal; and the Lord Ordinary shall direct that Publication of his Interlocutor be made in manner herein-before provided.

Interlocutors may be reviewed.

How long Order of

**3.** All Interlocutors of the said Lord Ordinary may be brought under Review of either Division of the Court of Session, by lodging and boxing within Twenty-one Days after the pronouncing of such Interlocutors, if in Session; and if the said Twenty-one Days shall expire

expire during Vacation, by lodging in the Bill Chamber a Reclaiming Note and boxing the same at the First Box Day after the Expiry of the said Twenty-one Days: Provided always, that, notwithstanding such Reclaiming Note, the Interlocutor of the Lord Ordinary granting Protection shall take effect when intimated as aforesaid, unless the Lord Ordinary, either at the Time of the pronouncing thereof or within Forty-eight Hours thereafter, order that his Interlocutor shall not take effect till the advising of the Reclaiming Note, or such other Period as he may think fit; and such Order of Protection shall, where there has been Appearance by the Husband, continue operative until such Time as the Wife shall again cohabit with her Husband, or until the Lord Ordinary, upon a Petition by the Husband, shall be satisfied that he has ceased from his Desertion, and cohabits with his Wife; and the Lord Ordinary may require him to find Security for such Period as may be appointed, that he shall continue to cohabit with her; and upon the Lord Ordinary being so satisfied, and Security found, if required, he shall recal the Order of Protection; but such Recal shall not affect any Right or Interest acquired by the Wife while the said Order subsisted, which Right and Interest shall remain vested in her, exclusive of her Husband's Jus mariti and Right of Administration; nor shall it affect any Right or Interest acquired by a Third Party during such Period, or any Third Party through or from her, while the said Order subsisted; and until such Order be recalled it shall not be competent for the Husband to institute an Action of Adherence against his Wife; and the Lord Ordinary shall direct that Publication of its Recal be made in manner herein-before provided.

Protection to continue operative.

No Action of Adherence competent while Order subsists.

4. After an Interlocutor of Protection is pronounced, and duly intimated, the Property of the Wife as aforesaid shall belong to her as if she were unmarried: Provided always, that such Protection shall not extend to Property acquired by the Wife of which the Husband or his Assignee or Disponee has before the Date of presenting said Petition obtained full and complete lawful Possession, nor shall such Protection affect the Right of any Creditor of the Husband over Property which he has before the Date thereof duly attached by Arrestment, followed by a Decree of Forthcoming, or which such Creditor has before the said Date duly poinded, and of which he has carried through and reported a Sale.

After Interlocutor of Protection is pronounced, Property of Wife to belong to her as if unmarried.

5. If any such Order of Protection be made and intimated, it shall have the Effect of a Decree of Separation *a mensâ et thoro* in regard to the Property, Rights, and Obligations of the Husband and of the Wife, and in regard to the Wife's Capacity to sue and be sued.

Order of Protection to have Effect of Decree of Separation.

6. After

In case of Separation the Property of the Wife to belong to her exclusively of the Jus mariti and Right of Administration;

6. After a Decree of Separation *a mensâ et thoro* obtained at the Instance of the Wife, all Property which she may acquire, or which may come to or devolve upon her, shall be held and considered as Property belonging to her, in reference to which the Jus mariti and Husband's Right of Administration are excluded, and such Property may be disposed of by her in all respects as if she were unmarried, and on her Decease the same shall, in case she shall die intestate, pass to her Heirs and Representatives, in like Manner as if her Husband had been then dead; provided that if any such Wife should again cohabit with her Husband all such Property as she may be entitled to when such Cohabitation shall take place shall be held to her separate Use, and the Jus mariti and Right of Administration of her Husband shall be excluded in reference thereto, subject, however, to any Agreement in Writing made between herself and her Husband; and the Wife shall, while so separate, be capable of entering into Obligations, and be liable for Wrongs and Injuries, and be capable of suing and being sued, as if she were not married; and her Husband shall not be liable in respect of any Obligation or Contract she may have entered into, or for any wrongful Act or Omission by her, or for any Costs she may incur as Pursuer or Defender of any Action, after the Date of such Decree of Separation and during the Subsistence thereof; provided that where upon any such Separation Aliment has been decreed or ordered to be paid to the Wife and the same shall not be duly paid by the Husband, he shall be liable for Necessaries supplied for her Use.

also for Purposes of Contract and suing.

In Action of Divorce Adulterer to be Co-Defender.

7. In every Action of Divorce for Adultery at the Instance of the Husband it shall be competent to cite, either at the Commencement or during the Dependence thereof, as a Co-Defender along with the Wife, the Person with whom she is alleged to have committed Adultery; and it shall be lawful for the Court in such Action to decern against the Person with whom the Wife is proved to have committed Adultery for the Payment of whole or any Part of the Expenses of Process, provided he has been cited as aforesaid, and the same shall be taxed as between Agent and Client: Provided always, that it shall be competent to examine the Person with whom the Wife is said to have committed Adultery as a Witness in the Cause, notwithstanding he is called as a Co-Defender in the Action, and in the Power of the Court, on Cause shown, to dismiss such Action as regards such Co-Defender, if in their Opinion such a Course is conducive to the Justice of the Case.

Lord Advocate may enter Appearance in Actions

8. It shall be competent to the Lord Advocate to enter Appearance as a Party in any Action of Declarator of Nullity of Marriage or of Divorce; and it shall be competent to him to lead such Proof and maintain such Pleas as he may consider warranted by the Circumstances of

of the Case; and the Court shall, whenever they consider it necessary for the proper Disposal of any Action of Declarator of Nullity of Marriage or of Divorce, direct that it be laid before the Lord Advocate, in order that he may determine whether he should enter Appearance therein; and Expenses shall not be claimable by or against the Lord Advocate with reference to such Cases.

for Nullity of Marriage and Divorce.

**9.** In any Action for Separation *à mensâ et thoro* or for Divorce the Court may from Time to Time make such Interim Orders, and may, in the Final Decree, make such Provision as to it shall seem just and proper with respect to the Custody, Maintenance, and Education of any Pupil Children of the Marriage to which such Action relates.

In Action for Separation, Court may make Interim Orders with respect to Children.

**10.** In every Consistorial Action the Summons shall be served upon the Defender personally, when he is not resident within *Scotland*: Provided always, that if it be shown to the Satisfaction of the Court that the Defender cannot be found, Edictal Citation shall be deemed sufficient; but in every Case where the Citation is edictal the Pursuer shall also serve the Summons on the Children of the Marriage, if any, and on One or more of the Next of Kin of the Defender, exclusive of the Children of the Marriage, when the said Children and Next of Kin are known, and resident within the United Kingdom, and such Children and Next of Kin, whether cited or so resident or not, may appear and state Defences to the Action.

In every Consistorial Action the Summons to be served on Defender personally when not within Scotland.

**11.** It shall not be necessary, prior to any Action for Divorce, to institute against the Defender any Action of Adherence, nor to charge the Defender to adhere to the Pursuer, nor to denounce the Defender, nor to apply to the Presbytery of the Bounds, or any other Judicature, to admonish the Defender to adhere.

Not necessary to institute an Action of Adherence against Defender prior to Action for Divorce.

**12.** The Widow of any Person who shall, after the passing of this Act, die infeft in Property held by Burgage Tenure shall be entitled to Terce therefrom; and the like Proceedings as to Service and Kenning before the Sheriff shall be competent in such a Case as are competent with reference to Property in respect of which Terce might have been claimed prior to the passing of this Act.

Terce claimable from Burgage Property.

**13.** The Forty-first Section of the Act of the First Year of His late Majesty *William* the Fourth, Chapter Sixty-nine, in so far as it enacted that "it shall be lawful for His Majesty's Principal Secretary "of State for the Home Department to appoint from Time to Time "such Number of Persons, being Sheriffs-Depute of Counties, as he "shall think fit, to take Proofs in Consistorial Causes, which Duty "the

Lord Ordinary to take Proofs in Consistorial Actions.

" the Persons so appointed shall perform;" and the Second Section of the Act of the Sixth and Seventh Years of His late Majesty *William* the Fourth, Chapter Forty-one, shall be and the same are hereby repealed; and in place thereof it is hereby enacted, That where Proof in Consistorial Actions shall be allowed, a Diet of Proof shall be appointed, at which the Evidence shall be led before the Lord Ordinary, and he shall take himself, and either write down with his own Hand the oral Evidence, in which Case it shall be read over to the Witness by the Judge in open Court, and shall be signed by the Witness, if he can write, or the Lord Ordinary shall record the Evidence by dictating it to a Clerk, in which Case it shall, in like Manner, be read over and signed; or the Lord Ordinary shall cause it to be taken down and recorded in Shorthand by a Writer skilled in Shorthand Writing, to whom the Oath De fideli administratione officii shall be administered, and the Lord Ordinary may, if he think fit, dictate to the Shorthand Writer the Evidence which he is to record; and the said Shorthand Writer shall afterwards write out in full the Evidence so taken by him; and the Notes of the Judge, or the extended Notes of such Writer, certified by the presiding Judge to be correct, shall be the Record of the oral Evidence in the Cause; and the Lord Ordinary shall take a Note of the Documents adduced, and any Evidence, whether oral or written, tendered and rejected, with the Ground of such Rejection; and any Ruling of the Lord Ordinary in reference to the Admission or Rejection of Evidence may be recalled or altered by the Inner House, under a Reclaiming Note against the final Interlocutor of the Lord Ordinary, disposing of the Merits of the Cause; and the Diet of Proof may be adjourned by the Lord Ordinary, if he shall consider it proper and reasonable so to do; but the Proofs shall be taken as far as may be continuously, and with as little Interval as the Circumstances or the Justice of the Case will admit of: Provided always, that it shall be competent to the Lord Ordinary, where any Witness or Haver is resident beyond the Jurisdiction of the Court, or by reason of Age, Infirmity, or Sickness is unable to attend the Diet of Proof, to grant Commission to any Person competent to take and report in Writing, according to the existing Practice, the Evidence of such Witness or Haver.

**Payment to certain Sheriffs.**

14. The Commissioners of Her Majesty's Treasury shall annually pay to each of *John Cay* Esquire, Sheriff of the County of *Linlithgow*, *John Tait* Esquire, Sheriff of the Counties of *Kinross* and *Clackmannan*, *Erskine Daniel Sandford* Esquire, Steward of the Stewartry of *Kirkcudbright*, and Sheriff of the County of *Wigton*, *Robert Hunter* Esquire, Sheriff of the Counties of *Dumbarton* and *Bute*, and *Benjamin Robert Bell* Esquire, Sheriff of the Counties of *Banff*, *Elgin*, and *Nairne*, out of Monies to be voted by Parliament for that Purpose,

Purpose, a Sum equal to One Fifth of the total Amount which shall be ascertained by the Queen and Lord Treasurer's Remembrancer in Exchequer to have been paid annually, on an average of the last Three Years, to the Sheriffs Commissary, in respect of Proofs taken by them in Consistorial Causes; but such Sum shall only be paid as long as the said Persons shall hold the Office of Sheriff in any County in *Scotland*, and no longer.

**Actions of Aliment.**

**15.** Actions of Aliment in the Court of Session between Husband and Wife shall not be considered Inner House Causes, but shall be considered and disposed of in like Manner as other Consistorial Causes, except as herein-after provided as to Decrees in Absence; and Actions of Aliment at the Instance of other Parties shall not be considered Inner House Causes, but shall be disposed of by the Lord Ordinary (subject in both Cases to Reclaiming Note in common Form against his Interlocutors) in the same Way as such Causes are at present disposed of by the Judges of the Inner House: Provided always, that all Actions for Aliment shall be deemed Summary Causes both in the Outer and in the Inner House, and that where no Appearance is entered for the Defender, Decreet shall be pronounced in Absence without Proof, as in other Cases before the Court of Session.

**When a married Woman succeeds to Property, &c., Husband or Creditor not entitled to claim the same.**

**16.** When a married Woman succeeds to Property, or acquires Right to it by Donation, Bequest, or any other Means than by the Exercise of her own Industry, the Husband or his Creditors, or any other Person claiming under or through him, shall not be entitled to claim the same as falling within the Communio bonorum, or under the Jus mariti or Husband's Right of Administration, except on the Condition of making therefrom a reasonable Provision for the Support and Maintenance of the Wife, if a Claim therefor be made on her Behalf; and in the event of Dispute as to the Amount of the Provision to be made, the Matter shall, in an ordinary Action, be determined by the Court of Session according to the Circumstances of each Case, and with reference to any Provisions previously secured in favour of the Wife, and any other Property belonging to her exempt from the Jus mariti: Provided always, that no Claim for such Provision shall be competent to the Wife if before it be made by her the Husband or his Assignee or Disponee shall have obtained complete and lawful Possession of the Property, or, in the Case of a Creditor of the Husband, where he has before such Claim is made by the Wife attached the Property by Decree of Adjudication or Arrestment, and followed up the said Arrestment by obtaining thereon Decree of Furthcoming, or has poinded and carried through and reported a Sale thereof.

**17.** The

Court of Session empowered to make Acts of Sederunt.

**17.** The Court of Session are hereby authorized and empowered to make from Time to Time such Orders and Regulations as to Forms of Process by Acts of Sederunt as they may consider necessary for carrying into execution the Purposes of this Act.

Repeal of Laws inconsistent with this Act.

**18.** All Laws, Statutes, and Usages are hereby repealed in so far as the same are inconsistent with the Provisions of this Act, but no further or otherwise.

Interpretation of Terms.

**19.** The following Words and Expressions, when used in this Act, shall, in the Construction thereof, be interpreted as follows, except where the Nature of the Provision or the Context of the Act shall exclude or be repugnant to such Construction; that is to say, the Expression "Lord Ordinary" shall include his Successor; the Word "Property" shall include and apply to all Property falling under the Jus mariti; the Expression "Consistorial Action" shall include Actions of Declarator of Marriage, of Declarator of Nullity of Marriage, of Declarator of Legitimacy and Bastardy, Actions of Separation *à mensâ et thoro*, of Divorce and of Adherence, and of putting to Silence, and Actions of Aliment between Husband and Wife instituted in the Court of Session.

Short Title.

**20.** This Act may in all Proceedings be cited as "The Conjugal Rights (*Scotland*) Amendment Act, 1861."

Commencement of Act.

**21.** This Act shall come into operation on the First Day of *November* now next ensuing, and not before.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Lands belonging to them, and purchased in pursuance of any Power vested in them by Charter or Act of Parliament, with the Exception of such Streets or Blocks of Buildings as may be erected by them, or with their Sanction, as private Dwelling Houses.

Short Title.

2. This Act may be cited for all Purposes as the "Metropolitan Building Amendment Act, 1861."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

priate the said Premises for any of the Purposes of the said Public Offices Extension Act, 1859.

Compensation to be made for such Transfer.

2. Compensation shall be made to the Land Revenues of the Crown, in respect of the Transfer of the said Premises, in manner following; that is to say, whenever the annual Produce of the said Revenues ceases to be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and is retained by the Crown as Part of its hereditary Revenues, the Value of the Premises hereby transferred, exclusive of the Value of any Buildings erected thereon, shall be determined by Arbitration, and the Amount of such Value when determined shall be deducted from the Amount for the Time being chargeable upon the said Revenues in respect of Advances made out of the Consolidated Fund, or, if there be no such Amount then chargeable, shall be paid to the Account of the said Revenues.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. LXXXIX.

An Act to increase the Amount payable out of the Revenues of *India* in respect of the Retiring Pay, Pensions, and other Expenses of that Nature, of Her Majesty's *British* Forces serving in *India*. [6th *August* 1861.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Seventy-one, it was enacted, that in order to provide for the Charge incurred for Retiring Pay and Pensions, and other Expenses of that Nature, arising in respect of His Majesty's Forces serving in *India*, the annual Sum of Sixty thousand Pounds should from and after the Thirtieth Day of *April* One thousand eight hundred and twenty-two be paid into the Receipt of His Majesty's Exchequer out of the Territorial Revenues of the *East Indies*: And whereas the said annual Sum of Sixty thousand Pounds is insufficient to defray the above-mentioned Charge, and it is expedient to increase the Contribution to be paid out of the said Revenues to meet the said Charge: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That 4 G. 4. c. 71.



1. So

Recited Act (4 Geo. 4. c. 71.) partly repealed.

1. So much of the said Act as relates to the Payment out of the Territorial Revenues of the *East Indies* of the said annual Sum of Sixty thousand Pounds in respect of the Retiring Pay, Pensions, and other Expenses of that Nature, arising in respect of Her Majesty's Forces serving in *India*, shall be and the same is hereby repealed.

Charge on Revenues of India for 1861-2.

2. From the Thirty-first Day of *March* One thousand eight hundred and sixty-one until the Thirty-first Day of *March* One thousand eight hundred and sixty-two there shall be paid out of the Revenues of *India*, to the Account of Her Majesty's Exchequer at the Bank of *England*, in respect of the above-mentioned Charge, and in lieu of the said annual Sum of Sixty thousand Pounds, a Sum calculated at the Rate of Three Pounds Ten Shillings *per* Head *per Annum* upon the Number of Her Majesty's *British* Forces chargeable upon the said Revenues of *India*, exclusive of the Number at the Depôts or on Passage, as shown by the Monthly Muster Rolls, the Payment to be made Monthly, and to be calculated upon the Number shown in the last Monthly Muster Rolls received in *England* before each Month for which Payment is to be made.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. XC.

An Act to make Arrangements as to the Disposal and Management of Property belonging to the University of *Edinburgh*; and to regulate the Appropriation and Application of the Annuity of Two thousand five hundred Pounds payable from the Revenues of the Harbour and Docks of *Leith*, under the Authority of an Act passed in the First and Second Years of *Victoria*, Chapter Fifty-five. [6th *August* 1861.]

WHEREAS by an Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter Fifty-five, intituled *An Act to regulate and secure the Debt due by the City of* Edinburgh *to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City and the Town of* Leith, it is by the Twenty-first Section thereof enacted, that an annual Sum of Two thousand five hundred Pounds from the Revenues of the Harbour and Docks of *Leith* shall be applied by the Lord Provost, Magistrates, 1 & 2 Vict. c. 55.

 and

and Council of the City of *Edinburgh* towards the Maintenance and Support of the College and Schools of the said City; namely, in defraying the Obligations and Payments incumbent upon them in relation to the Debts due by the said City to the said College; in paying the Salaries and House Rents due to or on account of the Professors in the said College; in repairing and maintaining the College Buildings, and in the other necessary Expenses thereof; and the Remainder towards the Schools and educational Purposes of the said City: And whereas by an Act passed in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Eighty-three, intituled *An Act to make Provision for the better Government and Discipline of the Universities of* Scotland; *and improving and regulating the Course of Study therein, and for the Union of the Two Universities and Colleges of* Aberdeen, it is by the Fifth Section thereof enacted, that the Senatus Academicus of each of the Universities of *Scotland* shall superintend and regulate the Teaching and Discipline of the University, and administer its Property and Revenues, subject to the Control and Review of the University Court: And whereas it is expedient that the Proportion of the said annual Sum of Two thousand five hundred Pounds to be applied to the University of *Edinburgh* should be finally determined, and should be assigned to the University, and made payable to the Senatus Academicus thereof, to be administered by them in Terms and under the Authority of the said second-recited Act; and it is also expedient that farther Arrangements should be made regarding the Disposal and Management of other Property of the University of *Edinburgh* and of the Remainder of the said annual Sum of Two thousand five hundred Pounds: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, as follows:

21 & 22 Vict. c. 83.

Appropriation of Annuity of 2,500*l.* in first-recited Act mentioned.

1. The annual Sum of Two thousand five hundred Pounds from the Revenues of the Harbour and Docks of *Leith*, in the said first-recited Act mentioned, shall be paid by the Queen's and Lord Treasurer's Remembrancer of the Exchequer in *Scotland* in the Manner and Proportions following; viz., the Sum of Two thousand one hundred and seventy Pounds, Portion thereof, shall be paid to the Senatus Academicus of the University of *Edinburgh*, for the Purposes of the said University, including therein the Payment of such Bursaries as were before the passing of this Act chargeable on the said annual Sum; and the said Lord Provost, Magistrates, and Council of the City shall be freed and relieved from all Obligations to

to or for the University for and in respect of the said Sum of Two thousand five hundred Pounds payable after the Date of this Act; and the Remainder of the said annual Sum of Two thousand five hundred Pounds, being Three hundred and thirty Pounds, shall be paid to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and shall be applied by them towards the Maintenance and Support of the Schools of the said City; and the said Senatus Academicus, and the said Lord Provost, Magistrates, and Council, respectively, shall transmit annually to the Commissioners of Her Majesty's Treasury an Account of the Expenditure of the said Sums of Two thousand one hundred and seventy Pounds and Three hundred and thirty Pounds payable to them respectively as aforesaid.

**2.** The first Payments to the Senatus Academicus of the University of *Edinburgh*, and to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, respectively, in pursuance of this Act, shall be made at the Term of *Martinmas* One thousand eight hundred and sixty-one, for the Half Year then ending.

First Payments to be made at Martinmas 1861.

**3.** The several Properties and Revenues which are enumerated in the Schedule (A.) hereunto annexed shall be and the same are hereby transferred to and vested in the Senatus Academicus of the University of *Edinburgh*, for the Purposes of the said University, subject to the several Burdens and Obligations affecting the same, and to be managed by the Senatus of the said University in Terms of the said second-recited Act; and the Proportion of the Annuities on Bonds of the said City, payable under the Bequest of Doctor *William Thomson* to the Lecturer on Mineralogy under the said Bequest, shall be paid to the Professor of Natural History in the University for the Time being, as such Lecturer.

Certain Properties and Revenues enumerated to be transferred to the Senatus.

**4.** The several Properties and Revenues held by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, in trust for the said University solely, or for the University and other Purposes, which are enumerated in the Schedule (B.) hereunto annexed, including the Sums falling due at the Term of *Lammas* or *Martinmas* (as the Case may be) One thousand eight hundred and sixty-one, shall be held and applied by the said Lord Provost, Magistrates, and Council towards the Maintenance and Support of the Schools of the said City, subject to the several Burdens and Obligations affecting the same.

Certain Properties and Revenues enumerated in Sched. (B.) to be held by the City for the Support of Schools.

**5.** This

Short Title.

5. This Act may for all Purposes be cited as "The *Edinburgh* University Property Arrangement Act, 1861."

SCHE-

## SCHEDULES.

### SCHEDULE (A.)

1. The Site of the Buildings of the University of Edinburgh, with the whole Buildings thereon, Parts and Pertinents thereof, and Furniture and Museums therein, so far as now belonging to or vested in the City.

2. Bond of Annuity by the City for One thousand two hundred and fifty Pounds, being Amount of Mortification by Sir William Pulteney as a Foundation for establishing a Professorship of Agriculture in the University, with the Annuities amounting to Thirty-seven Pounds Ten Shillings payable thereon, including the Sums falling due at the Term of Lammas One thousand eight hundred and sixty-one.

3. Bonds of Annuity by the City of Edinburgh for One thousand four hundred and ninety Pounds for Amount of Bequest of Doctor William Thomson, in the Hands of the City, for the Promotion of Mineralogical Science in the University, with the Annuities payable thereon, amounting to Forty-four Pounds Fourteen Shillings, including the Sums falling due at the Term of Lammas One thousand eight hundred and sixty-one, and the Sum of Nineteen Pounds Fifteen Shillings and Elevenpence, being the Balance in the Hands of the City applicable to the Purposes of the said Bequest at the Date of this Act.

4. The Balance of One hundred and eighty-one Pounds Fourteen Shillings and Eightpence, appearing in the published Accounts of the said Lord Provost, Magistrates, and Council as outstanding at the Fourteenth Day of September One thousand eight hundred and sixty to the Credit of the Account of Income and Expenditure of the said annual Sum of Two thousand five hundred Pounds, and of the several Properties and Revenues enumerated in Schedule (B.), subject to such Alteration of the said Balance as may arise on an Account of the said annual Sum of Two thousand five hundred Pounds, and of the Income arising from the Properties and Revenues enumerated in Schedule (B.) applicable to the Period from the Fourteenth Day of September One thousand eight hundred and sixty to the Term of Martinmas One thousand eight hundred and sixty-one, such Account to be adjusted at the Sight and to the Satisfaction of the Commissioners of Her Majesty's Treasury, and the Balance, when ascertained, to be paid over to the Senatus Academicus.

SCHEDULE (B.)

1. Mortcloth Dues at Greyfriars Burying Ground.

2. Ground Annuals and Superiorities, with the Casualties or Compositions belonging thereto, Tiends, Tiend Duties, and Tack Duties, such Ground Annuals, Superiorities, Tiends, Tiend Duties, and Tack Duties consisting of the following Items:

1. Ground Annuals and Superiorities in and about the City, the Ground Annuals and Feu Duties from which amount to Nine Pounds Thirteen Shillings and Eleven Twelfths of a Penny:
2. Superiorities in the Country, the Feu Duties from which amount to Eleven Pounds Nineteen Shillings and Twopence Eleven Twelfths of a Penny:
3. The Teinds in the Parishes of Sprouston, including Lempitlaw and Monimail, the Tack Duties of which presently amount together to Thirty-eight Pounds Eighteen Shillings and Sixpence Ten Twelfths of a Penny:
4. Property in North College Street, Edinburgh, the Tack Duties or Rents of which presently amount to Fifty-one Pounds a Year:
5. Bonds of Annuity by the City for One thousand eight hundred Pounds, being the Price of the Patronages of Currie, Fala, and Wemyss, with the Annuities payable thereon, amounting to Fifty-four Pounds a Year.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

licensed Person, and the Spirit so purchased, Sections Eight, Ten, and Sixteen of the said last-mentioned Act shall be and the same are hereby repealed.

Liceces to be renewed annually.

2. Every Licence granted under this Act for the Sale of Methylated Spirit shall be renewed on the First Day of *October* in every Year, and shall be granted and renewed in like Manner as other Excise Licences are granted and renewed, and under and subject to the Provisions and Regulations of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one.

Conditions to be observed by Retailer of Methylated Spirit.

3. No Person licensed as aforesaid shall sell or deliver any greater Quantity of Methylated Spirit than One Gallon at a Time to or for the Use of the same Person; nor shall such licensed Person receive into or have in his Stock, Custody, or Possession a greater Quantity than Fifty Gallons of such Spirit at one and the same Time; or receive into his Stock, Custody, or Possession any such Spirit otherwise than from a Distiller or Rectifier of Spirits, or licensed Person specially authorized to make Methylated Spirit under the Provisions of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and accompanied by a proper Permit or other such Document as the Commissioners of Inland Revenue may order or direct to be used to accompany such Spirit on the Removal thereof, nor until he shall have made Entry according to the Laws of Excise in force in relation to Entries of the particular Rooms or Places in which he intends to keep and sell such Spirit; nor shall any such Person licensed under this Act keep or sell any such Spirit in any Room or Place not duly entered as aforesaid; and provided always, that every such Person licensed as last mentioned shall at all reasonable Times produce the whole of his Stock of such Spirit to any Officer of Excise who shall desire to examine the same, and shall keep such Account of the Stock and Sale of such Spirit as the Commissioners of Inland Revenue shall order and direct from Time to Time; and if any Person licensed under this Act shall offend in any of the Particulars in this Clause mentioned, he shall forfeit for every Offence the Sum of Fifty Pounds; and all Spirit received into or found in his Stock, Custody, or Possession contrary hereto shall be forfeited, and may be seized by any Officer of Excise.

Penalty for offending contrary to this Section.

Distillers who are Makers of Methylated Spirit may supply licensed Makers of such Spirit.

4. It shall be lawful for any Distiller duly authorized to make Methylated Spirit according to the Provisions of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter Thirty-eight, to sell, supply, and deliver such Spirit to any licensed Person authorized as aforesaid, and in the same Quantity and subject to the same Restrictions and Regulations with respect to Requisitions, Permits,

or

or otherwise as are specified and provided in the above-mentioned Act, or directed by the Commissioners of Inland Revenue to be observed with respect to Methylated Spirit supplied to Persons authorized by the said Commissioners to receive and use the same; and all such Spirit so sold, supplied, or delivered by any such Distiller, or received by such licensed Person as aforesaid, shall be entered in the Stock Account of such Distiller or licensed Person respectively, directed to be kept by the Seventh Section of the said Act.

Penalty for selling Methylated Spirit without Licence.

**5.** Every Person, not being a Distiller or Rectifier of Spirits, or other Person duly authorized or specially licensed by the Commissioners of Inland Revenue to mix and make Methylated Spirit, who shall sell any such Spirit in any Quantity without having in force a Licence in that Behalf granted under the Authority of this Act, shall forfeit the Sum of Fifty Pounds over and above all other Penalties to which he may be liable under any other Act or Acts in force.

Methylated Spirit not to be prepared or sold as a Beverage.

**6.** If any Person whatever shall colour, purify, flavour, mix, or prepare, or attempt to colour, purify, flavour, mix, or prepare, any Methylated Spirit in any Manner to fit, or with Intent to fit, such Spirit for Use as a Beverage, or for mixing with any Beverage, or shall sell any such Spirit, whether coloured, purified, flavoured, mixed, or prepared in any Manner or not, as and for a Beverage, or mixed with any Beverage, he shall forfeit for every such Offence the Sum of One hundred Pounds, and the Spirit shall also be forfeited.

New Rates of Drawback on Beer exported in lieu of former Rates.

**7.** In lieu of the Drawbacks now payable upon the Exportation of Beer from the United Kingdom to Foreign Parts as Merchandise, there shall be allowed and paid in respect of all Beer which shall be so exported at any Time after the passing of this Act, whensoever the same may have been brewed, the following Rates of Drawback; (that is to say,)

For and upon every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity of Beer brewed or made by any entered or licensed Brewer of Beer for Sale in the United Kingdom, in the brewing of which Beer the Worts used before Fermentation were of the Specific Gravity of not less than One thousand and forty Degrees, the Sum of Four Shillings:

And for every additional Five Degrees of Specific Gravity up to the Specific Gravity of One thousand one hundred and twenty-five Degrees, the further Sum of Sixpence *per* Barrel:

Provisions of former Laws to apply.

Which said Drawback by this Act granted shall be ascertained, allowed, and paid in the like Manner as by the Laws in force at the Time

Time of the passing of this Act any former Drawback on the Exportation of Beer is or may be ascertained, allowed, and paid respectively; and all Provisions, Regulations, Penalties, and Forfeitures now in force in relation to any such former Drawback shall be observed, applied, and enforced in respect to the Drawback by this Act granted, in as full and ample a Manner as if the same had been herein repeated and re-enacted with reference to the said last-mentioned Drawback.

Persons not compellable to take out a Refreshment House Licence for a House not kept open after Ten o'Clock at Night.

8. For the Amendment of Two several Acts passed in the last Session of Parliament, Chapter Twenty-seven and Chapter One hundred and seven, be it enacted, That no Person shall be compellable to take out a Licence under either of the said Acts to keep a Refreshment House whose House, Room, Shop, or Building shall not be kept open for public Refreshment, Resort, and Entertainment after the Hour of Ten of the Clock at Night; and the said Acts shall be read and construed as if the Word "Ten" had been substituted for the Word "Nine" in the Sixth Section of the said Acts respectively.

Lower Rate of Duty on Refreshment House Licences for Houses under 30*l.* annual Value.

9. And in lieu of the Duties chargeable under the said last-mentioned Acts respectively for every Licence to keep a Refreshment House there shall be charged the following Duties; that is to say,

If the House and Premises in respect of which such Licence shall be granted shall in *England* be under the Rent and Value or in *Ireland* be under the Value of Thirty Pounds a Year, the Duty of Ten Shillings and Sixpence:

And if the same shall be of the Rent or Value of Thirty Pounds a Year or upwards, the Duty of One Pound and One Shilling:

Allowance of Duty paid for Refreshment House Licence to be made on taking out Wine Licence.

And whenever any Person who shall have taken out a Licence to keep a Refreshment House, not being a House open after Ten o'Clock at Night, shall apply for and obtain a Licence under either of the said Acts to sell therein by Retail Foreign Wine to be consumed in such House, he shall be allowed an Abatement at the Rate *per Annum* herein-after mentioned from the Duty chargeable for such last-mentioned Licence in respect of the same Period of Time or Portion of the Year for which he shall take out the said Licence to retail Wine; (that is to say,)

| | £ | s. | d. |
|---|---|---|---|
| Where the House and Premises in respect of which such Licences shall be granted shall in *England* be under the Rent and Value or in *Ireland* under the Value of Thirty Pounds a Year, an Abatement of - | 0 | 7 | 4 |

And

| | £ | s. | d. |
|---|---|---|---|
| And where the same shall be of the Rent or Value of Thirty Pounds and under the Rent or Value of Fifty Pounds a Year, an Abatement of - - | 0 | 17 | 10 |
| And where the same shall be of the Rent or Value of Fifty Pounds a Year or upwards, an Abatement of - | 1 | 1 | 0 |

Provided always, that if any Person to whom any such Abatement as aforesaid shall have been made on taking out a Wine Licence shall keep open his House as a Refreshment House or shall sell therein any Wine or other Refreshment after the Hour of Ten of the Clock at Night, he shall be deemed to keep a Refreshment House without taking out and having in force a proper Licence in that Behalf; and also in respect of any Wine sold by him after the Hour aforesaid he shall be deemed to have sold the same without having a proper Licence in force duly authorizing him in that Behalf, and shall forfeit the Penalties imposed for such Offences respectively by the Ninth and Nineteenth Sections of the said Act of the last Session of Parliament, Chapter Twenty-seven.

**Persons licensed to retail Beer not precluded from taking out Wine Licences.**

**10.** And whereas an Act was passed in the last Session of Parliament, Chapter Twenty-seven, for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and Doubts have arisen whether Persons licensed to retail Beer in *England* are precluded from taking out or having granted to them a Licence for the Sale of Wine under the said Act: For the Removal of such Doubts be it declared and enacted, That nothing in the said Act or in any other Act or Acts contained shall be adjudged, deemed, or construed to preclude or disqualify any Person from taking out or having granted to him any Licence for the Sale of Wine under the said Act of the last Session of Parliament, by reason or on account of his being licensed for the Sale of Beer under any Act or Acts in that Behalf.

**Persons licensed to retail Wine not to be subject to Penalty under the Beer Acts, for having Wine or Sweets in possession.**

**11.** No Person licensed for the Sale of Wine under the Act passed in the last Session of Parliament, Chapter Twenty-seven, shall be subject or liable to any Penalty or Forfeiture under any Act relating to the retailing of Beer by reason or on account of his selling, dealing in, retailing, or receiving into, or having in his Possession any Wine or Sweets or Made Wines, or Mead or Metheglin, anything in any such Act or Acts as last mentioned to the contrary notwithstanding.

**Penalty on Persons selling Beer by Retail in Scotland**

**12.** And whereas Doubts exist as to the Penalties to which Persons are subject who sell Beer by Retail in *Scotland* without being duly authorized and licensed in that Behalf: Be it enacted, That if any

without being duly authorized and licensed.

Person shall in *Scotland* sell Beer by Retail, that is to say, in any Quantity less than Four and a Half Gallons, or in less than Two Dozen reputed Quart Bottles, at One Time (whether to be drunk or consumed on the Premises or not), without having duly obtained a Certificate and also an Excise Licence respectively authorizing him to sell Beer under the Provisions of any Act or Acts in that Behalf, he shall forfeit (over and above any other Penalty to which he may be liable under such Act or Acts) the Sum of Twenty Pounds for every such Offence, and such Penalty hereby imposed shall be recovered, levied, mitigated, and applied in the Manner provided with respect to Excise Penalties under the Laws of Excise in that Behalf; and in any Information or other Proceeding for the Recovery of the Penalty hereby imposed it shall be sufficient to charge that the Defendant sold Beer by Retail without having duly obtained a Certificate and also an Excise Licence respectively authorizing him to sell Beer under the Provisions of the Statute in that Case made and provided, and it shall not be necessary further or otherwise to describe such Offence.

Exemptions as to the Sale of Beer or Spirits at Fairs or Races not repealed by 23 & 24 Vict. cc. 113. and 114.

**13.** And whereas by the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one, for granting Duties on Excise Licences, and by other Acts of Parliament now in force, certain Provisions, Exceptions, and Exemptions are made and contained with respect to the Sale of Spirits and Beer respectively, at lawful and accustomed Fairs and public Races: And whereas by Two several Acts passed in the last Session of Parliament, being respectively Chapters One hundred and thirteen and One hundred and fourteen, certain Enactments and Prohibitions are contained against the selling of Beer and Spirits respectively at any Place other than a Place specified in a Licence granted in that Behalf: Be it declared and enacted, That nothing in the said Two several last-mentioned Acts, or either of them, contained shall be construed, adjudged, deemed, or taken to have repealed, altered, or affected any of the Provisions, Exceptions, or Exemptions contained in any Act or Acts in force at the Time of the passing of the said Two several Acts of the last Session of Parliament, or either of them, with respect to the selling of Beer or Spirits at Fairs or Races.

All Licences granted under the Acts relating to the retailing of Beer to expire on the 10th Oct. in each Year.

**14.** Whereas the Licences authorizing the retailing of Beer granted under the Authority of Three several Acts passed respectively in the First Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-four, in the Fourth and Fifth Years of the same Reign, Chapter Eighty-five, and in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Sixty-one, are directed by the first of the said Acts to be dated on the Day when the same shall be granted,

granted, and to expire at the End of Twelve Calendar Months after the Day on which such Licences shall be dated, and it is expedient that all such Licences should expire at one and the same Period of the Year: Be it enacted, That every Licence taken out under the said recited Acts on and after the Eleventh Day of *October* One thousand eight hundred and sixty-one shall be in force from the Day of the Date of such Licence until the Tenth Day of *October* next following the granting thereof; and every Person who on the Tenth Day of *October* in the above-mentioned Year shall be the Holder of an unexpired Licence granted under the said recited Acts shall on the First Renewal of such Licence be allowed a proportionate Part of the Duty in respect of the unexpired Period of such Licence; and every Person who shall after the said Tenth Day of *October* take out a Licence under the said Acts for the First Time shall be entitled to the same on Payment of a proportionate Part of the Duty thereon in the same Manner as a Person commencing a Trade or Business for which an Excise Licence is required may now take out a Licence under the Provisions contained in the Seventeenth Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one.

Duty on Racehorses to be paid for the Year ending on 31st Dec. in 1862, and in any subsequent Year.

**15.** The Duty imposed by the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Eighty-two, upon every Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing, and which shall be paid on or after the First Day of *January* in the Year One thousand eight hundred and sixty-two, shall free the Owner for the Time being of such Horse from any further Payment of the said Duty in respect of the same Horse during the Year ending the Thirty-first Day of *December* next after such Payment, and no longer.

No Penalty for letting for Hire a Horse or Carriage to convey a Prisoner to Gaol.

**16.** No Penalty under the Fifteenth Section of the Act of the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Eighty-eight, shall be deemed to be incurred in respect of the letting for Hire of any Horse or Carriage for the Purpose of conveying a Prisoner to or from any Prison, and used under such Letting solely for that Purpose.

Persons dealing in Game without Excise Licence to be liable to Penalty whether licensed by the Justices or not.

**17.** Whereas by the Fourteenth Section of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter Ninety, a Penalty of Twenty Pounds is imposed upon any Person who shall obtain a Licence to deal in Game from the Justices of the Peace under the Provisions of certain Acts therein referred to, and who shall purchase or sell or otherwise deal in Game before he shall obtain a Licence to deal in Game under the Provisions of the Act in this

this Clause first mentioned: Be it enacted, That the said Penalty shall be incurred by every Person who, under the Provisions of the said Acts so referred to as aforesaid, ought to obtain a Licence from the Justices of the Peace to deal in Game, and who shall purchase or sell or otherwise deal in Game before he shall obtain a proper Excise Licence under the Provisions of the said first-mentioned Act, whether he shall have obtained a Licence from the said Justices or not; and in any Information exhibited for Recovery of the said Penalty it shall be sufficient to allege, and upon the Trial thereof to prove, that the Defendant dealt in Game without the Licence required by the said first-mentioned Act.

Sect. 31. of 1 & 2 W. 4. c. 55. with respect to Penalties under the Illicit Distillation Acts in Ireland, not repealed by Sect. 6. of 20 & 21 Vict. c. 40.

**18.** And whereas an Act was passed in the First and Second Years of the Reign of King *William* the Fourth, Chapter Fifty-five, to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in *Ireland*, (herein-after called the Illicit Distillation Act,) and by the Thirty-first Section of the said Act it is enacted that all Penalties and Forfeitures imposed by the same Act may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in Her Majesty's Court of Exchequer in *Dublin*, in the Name of Her Majesty's Attorney General, or in the Name of some Officer of Excise, or on Complaint to or before any One or more of Her Majesty's Justices of the Peace of the County, City, or Place wherein the Offence shall be committed: And whereas by an Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Forty, Officers of the Constabulary Force in *Ireland* are empowered to put in force the Powers and Authorities of the said Illicit Distillation Act, and by the Sixth Section of the said Act of the Twentieth and Twenty-first Years of Her Majesty it is enacted that all Proceedings under the said Illicit Distillation Act shall be conducted, and all Penalties and Costs under the same shall be sued for, levied, and recovered as by the Petty Sessions (*Ireland*) Act, 1851, is directed and provided: And whereas Doubts have arisen whether the Provision made by the last-mentioned Enactment for Proceedings under the said Petty Sessions Act has repealed or wholly superseded the Mode of Proceeding directed by the said Thirty-first Section of the said Illicit Distillation Act, and whether in any Proceedings for the Recovery of any Penalty or Forfeiture under the said last-mentioned Act the Presence of Two or more Justices is requisite: For the Removal of all such Doubts, be it declared and enacted, That the Sixth Section of the said Act of the Twentieth and Twenty-first Years of Her Majesty shall not be construed to deprive any Court or any Justice of the Peace in *Ireland* of any Jurisdiction which such Court or Justice possessed before the passing of that Act in regard to any Offence committed against the Provisions of the said

said Illicit Distillation Act, and shall not extend to repeal, alter, or affect the Thirty-first Section of the said last-mentioned Act further than to provide the additional Mode of proceeding for Penalties and Costs in the said Sixth Section mentioned; and it shall be lawful for Two or more Justices sitting at Petty Sessions to hear and determine any Information or Complaint for any Offence committed against the said last-mentioned Act, and to do all Acts necessary to carry into effect any Judgment thereupon.

Persons aggrieved by Judgment of Justices on Information under 1 & 2 W. 4. c. 55. 17 & 18 Vict. c. 89. 20 & 21 Vict. c. 40. may appeal.

**19.** In case of any Information or Complaint exhibited by any Officer of Inland Revenue, or of any Proceedings at the Instance of any Officer, Head or other Constable of the Constabulary Force in *Ireland*, under the Provisions of the said Illicit Distillation Act; or of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty-nine, or of an Act passed in the Twentieth and Twenty-first Years of the Reign of Her said Majesty, Chapter Forty, it shall be lawful for any such Officer and Constable respectively, or for any Person against whom any such Information, Complaint, or Proceeding shall have been exhibited or taken, who shall feel aggrieved by the Judgment given thereon, to appeal therefrom to the Justices at the next General Quarter Sessions of the Peace which shall be holden for the County, Shire, Division, City, Town, or Place in which such Judgment so appealed against shall have been given next after the Expiration of Twenty Days from the giving of such Judgment, upon giving such Notices, and upon such Terms, Conditions, and Regulations, as are prescribed in Cases of Appeals by the several Acts passed respectively in the Seventh and Eighth Years of King *George* the Fourth, Chapter Fifty-three, the Fourth and Fifth Years of King *William* the Fourth, Chapter Fifty-one, and the Fourth Year of Her present Majesty, Chapter Twenty.

Justices in Ireland empowered to further mitigate the Penalty for Offences under Sect. 195. of 23 & 24 Vict. c. 114.

**20.** Whereas by Section One hundred and ninety-five of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, the Justice of the Peace by or before whom any Person may be convicted of any Offence in the said Section specified is thereby empowered to mitigate as he shall think proper the Penalty of One hundred Pounds imposed for such Offence, but not to a less Amount than One Fourth Part thereof, and it is expedient that the Power to mitigate such Penalty in *Ireland* should be extended: Be it enacted, That it shall be lawful for the Justices who shall convict any Person of any such Offence as aforesaid in *Ireland* to mitigate, when they shall see Cause, the Penalty incurred for such Offence as they shall think fit, so as such Mitigation shall not in any Case reduce such Penalty to a less Sum than Six Pounds;

Pounds; and on Nonpayment of the said Penalty or the mitigated Amount thereof such Justices shall commit the Offender to Hard Labour in some Gaol or House of Correction within the County or Place for the Term and in the Manner and subject only to be discharged as in the said Section is mentioned.

Pending an Appeal against an Order of Justices refusing a Certificate to authorize the Renewal of an Excise Licence to sell Beer, &c. in Ireland, Appellant to deposit the Duties for an Excise Licence with the Collector.

**21.** Whereas it is provided by the Second Section of an Act passed in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Sixty-two, that when any Person shall appeal against an Order of Refusal of the Certificate required by such Person to entitle him to a Renewal of the Licence to sell Beer, Cider, or Spirituous Liquors in *Ireland*, the Licence affected by such Order shall remain in full Force and Effect unless and until the Court of Quarter Sessions or Recorder therein mentioned shall confirm the said Order of Refusal: Be it enacted, That such Licence, on the Expiration of the Term for which the same was granted, shall remain in force only upon condition that the Appellant shall immediately on or before the Expiration of the said Licence deposit with the proper Collector of Inland Revenue the Amount of Excise Duties chargeable upon the said Appellant for Licence to sell Beer, Cider, or Spirituous Liquors respectively for the Year next ensuing the Expiration of the said first-mentioned Licence; and if the said Court of Quarter Sessions or Recorder shall confirm the said Order of Refusal, the Appellant shall be repaid by such Collector such Portion of the Excise Duties so deposited as aforesaid as he would be entitled to be repaid under the Twenty-fourth Section of the Act of the Sixth Year of King *George* the Fourth, Chapter Eighty-one, in the Case of a Magistrate's Certificate expired and not renewed; and if the said Order of Refusal shall be reversed, the Money so deposited shall be applied in Payment for the Licences to be granted to the said Appellant.

Powers given to Officers of Excise by 1 & 2 W. 4. c. 55. as to Seizure of private Stills, &c. in Ireland extended to Officers of Customs.

**22.** And whereas by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-five, Officers of Excise are authorized to search for private Stills, Wort, Wash, Pot Ale, Low Wines, or Singlings, or Spirits, and Corn or Grain making into Malt, and to arrest and detain Persons discovered in the Place where private Distillation of Spirits or making of Malt is carrying on: And whereas it is expedient to extend the like Powers to Officers of Customs: Be it enacted, That all the Powers, Authorities, and Privileges granted to Officers of Excise by the said recited Act may and shall be exercised by Officers of Customs, and by all Persons duly employed for the Prevention of Smuggling, or authorized by the Commissioners of Customs to seize Goods forfeited under the Laws of Customs, as fully and effectually

as

as if the Clauses in the said Act had been repeated and re-enacted in the Body of this Act, and made to apply to Officers of Customs and the other Persons herein named.

**23.** Whereas by the Act passed in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter Ninety, an Excise Licence is required to be taken out by every Person, not being a licensed Distiller, Rectifier, or Compounder of Spirits, or Vinegar Maker, who keeps or uses any Still or Retort: Be it enacted, That it shall be lawful for any Officer of Excise at any Time (but if between the Hours of Eleven at Night and Five in the Morning then in the Presence of a Constable or other lawful Peace Officer) to enter into the Premises of every such Person who shall take out such Licence, or who shall use or keep any Still or Retort, and to examine any Still or Retort kept or used by such Person.

Power to Officers of Excise to examine Stills or Retorts kept by Persons not being Distillers, Rectifiers, or Compounders of Spirits, or Vinegar Makers.

**24.** And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and thirteen, the charging of the said Duty was deferred until the First Day of *July* One thousand eight hundred and sixty-one, and it is expedient to further defer the same: Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of *July* One thousand eight hundred and sixty-two.

Charging of Excise Duty on Sugar used in brewing deferred until 1st July 1862.

*As to Stamps.*

**25.** In lieu of the Stamp Duties now payable on Protests and other Notarial Acts there shall be paid the Duties following; that is to say,

Stamp Duties in lieu of those now payable on Protests and other Notarial Acts.

| | £ | s. | d. |
|---|---|---|---|
| Protest of any Bill of Exchange or Promissory Note, where the Stamp Duty on the Bill or Note does not exceed One Shilling - - | The same Duty as on the Bill or Note. | | |
| Protest of any other Bill of Exchange or Promissory Note, and Protest of any other Kind, and other Notarial Act whatsoever - - - - | 0 | 1 | 0 |
| And for every Sheet or Piece of Paper, Parchment, or Vellum upon which the same shall be written, after the first, a further progressive Duty of - - | 0 | 1 | 0 |

**26.** In

Stamp Duty on certain Proxies reduced.

**26.** In lieu of the Stamp Duty of One Pound Ten Shillings which may by Law be now payable on any of the Instruments herein-after mentioned, there shall be charged as follows; that is to say,

For and in respect of any Letter or Power of Attorney or Commission, Factory, Mandate, or other Instrument in the Nature thereof, made for the sole Purpose of appointing, nominating, or authorizing any Person to vote as a Proxy, Commissioner, Mandatory, or otherwise, at any One Meeting of the Proprietors, Members, or Contributors to the Funds of any Institution established for the Purposes of Education or Charity, or of other Persons having the Direction or Control of the Affairs of the Institution, the Time of holding whereof shall be specified in such Instrument, or at any Adjournment of such Meeting, the Stamp Duty of Sixpence.

Adhesive Stamps may be used for Proxies.

**27.** The Stamp Duty of Sixpence granted by this Act and any former Act upon a Letter or Power of Attorney, Commission, Factory, Mandate, or other Instrument in the Nature thereof, may be denoted by an adhesive Stamp to be provided by the Commissioners of Inland Revenue and affixed to the Instrument, and cancelled by the Person signing the Instrument, by writing his Name, or the Initials thereof, upon or across the Stamp, together with the Date of the Day of the Meeting for voting at which the Instrument is made; but nothing herein contained shall relieve any Person from the Penalty incurred by making or signing any such Instrument on Paper not duly stamped, or by voting or attempting to vote under the Authority thereof, unless there shall be affixed thereto and cancelled as aforesaid the proper adhesive Stamp.

Stamp Duties to be collected under the Laws in force.

**28.** The Stamp Duties by this Act imposed, and also any other Stamp Duties which shall at any Time become payable under any Act of Parliament, and also any Fees by any Act now in force or any future Act directed to be collected or received by means of Stamps, shall respectively be raised, levied, collected, paid, and secured, under and by virtue of and subject to all the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties, applicable thereto, for the Time being in force relating to Stamp Duties of the like Kind or Description respectively, or any Schedule thereto; all which Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties respectively, shall be of full Force and Effect with respect to all such Duties and Fees respectively, and to the Vellum, Parchment, and Paper, Instruments, Matters, and Things, charged and chargeable therewith, or in respect whereof

whereof the same are to be paid, and to the Persons liable to the Payment thereof, so far as the same are or shall be applicable, in all Cases for which no express Provision is or shall be made, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties and Fees respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with any such express Provisions, as fully and effectually, to all Intents and Purposes, as if the same were specially enacted, *mutatis mutandis*, with reference to such Duties and Fees respectively.

Duty upon Renewals of certain Insurances repealed.

**29.** Section Eight of the Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and eleven, so far as it relates to the Renewal or Continuance of any Assurance upon Death or personal Injury, shall be and the same is hereby repealed.

On Appointment of new Trustees where several Deeds are required, one only shall be charged with the full Stamp Duty, and the others as Duplicates.

**30.** Where upon the Appointment of a new Trustee the Property which is the Subject of One and the same Settlement, or of Trusts created for the Benefit of the same Parties, is of various Kinds or Descriptions, or is held under different Titles, and it is necessary or desirable that it should be conveyed to or vested in the Trustee by means of several Deeds or Instruments, or where, upon any such Appointment, several Deeds or Instruments are made or executed for the Purpose only of transferring to and vesting in the Trustee the same Trust Property, if in any of such Cases One of the Deeds or Instruments shall be stamped with the Duty of One Pound Fifteen Shillings, it shall be sufficient if the others or other shall be stamped with the Duty that would by Law be chargeable on a Duplicate or Counterpart thereof; and on all the Deeds or Instruments being produced duly stamped accordingly it shall be lawful for the Commissioners of Inland Revenue, on being satisfied as to the Facts, to impress the Deeds or Instruments not having the Duty of One Pound Fifteen Shillings thereon with a particular Stamp to denote the Payment of such Duty on some other Instrument.

Duties on Duplicates and Counterparts and progressive Duties in certain Cases.

**31.** Whereas by an Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven, certain Stamp Duties were imposed on a Duplicate or Counterpart of any Deed or Instrument chargeable with Stamp Duty under that Act, or any Act then in force, and also certain progressive Duties on any such Deed or Instrument, the said Duties respectively being regulated by the Amount of Stamp Duty otherwise chargeable on such last-mentioned Deed or Instrument, and on the original Deed or Instrument in the Case of a Duplicate or Counterpart: For disposing of Doubts as to the

the Duties chargeable on any such Duplicate or Counterpart, and the progressive Duties on any Deed or Instrument, where, by any Act since passed or hereafter to be passed Stamp Duties, not being progressive Duties, have been or may be granted or imposed on any Deed or Instrument, be it enacted, That the progressive Duties payable on any such last-mentioned Deed or Instrument, and the Stamp Duties on any Duplicate or Counterpart thereof, shall, in the Absence of any express Provision in that Behalf, be the same as would have been payable if the Stamp Duties on such Deed or Instrument had been imposed or granted by the aforesaid Act of the Thirteenth and Fourteenth Years of Her Majesty's Reign.

**Adhesive Stamps may be affixed and cancelled by an authorized Officer of Inland Revenue.**

**32.** In any Case where, under any Act of Parliament now or hereafter in force, it is or shall be competent to or incumbent upon any Person or Persons to affix to any Instrument chargeable with Stamp Duty an adhesive Stamp to denote such Duty, and to cancel the same, it shall be lawful for any Officer of Inland Revenue, duly authorized by the Commissioners of Inland Revenue in that Behalf, on any such Instrument being produced to him, to affix thereto the proper adhesive Stamp, and to cancel the same by any Means the Commissioners may think proper; and thereupon the said Instrument shall be deemed to be as well and sufficiently stamped as if the Stamp had been affixed and cancelled by the Person or Persons allowed or required by Law to affix and cancel the same, and as if the Instrument had been impressed with a Stamp denoting the same Amount of Duty as the Stamp so affixed: Provided that nothing herein contained shall authorize the stamping of any Instrument not allowed by Law to be stamped after it is made, signed, or issued, or after the Expiration of any Period by Law limited for stamping the same, nor in any way alter or affect the Law requiring the Payment of a Penalty on the stamping of any such Instrument.

**Mode of cancelling adhesive Stamps.**

**33.** In any Case where an adhesive Stamp used for denoting any Stamp Duty is required by Law to be cancelled by any Person, by Writing thereon his Name or the Name of his Firm, it shall be sufficient if, instead of the Name in full, the Initials thereof shall be so written, or shall be stamped or impressed in Ink thereon, together with any other Particulars specially required by Law to be written thereon, provided that by means thereof the Stamp shall be effectually obliterated and cancelled, so as not to admit of its being used again, anything in any Act to the contrary notwithstanding; and where the adhesive Stamp on any Foreign Bill or Promissory Note shall, on such Bill or Note being received by any Person who shall be or become the *bonâ fide* Holder thereof, be effectually obliterated, and shall purport and appear to be duly cancelled, the same shall,

shall, so far as relates to such Holder, be deemed to be sufficiently cancelled: Provided that where any such Bill or Note when so received by any such Person as last aforesaid shall have affixed thereto a proper and sufficient adhesive Stamp, but such Stamp shall not be duly cancelled, it shall be competent to the Holder to cancel the same as if he were the Person first negotiating the Bill or Note; and upon his so doing such Bill or Note shall be deemed to be duly stamped, and shall be as valid and as available by such Holder and any prior or subsequent Holder as it would have been if the Stamp had been affixed and cancelled as by Law required by the First Holder, anything in any Act to the contrary notwithstanding; but nothing herein contained shall relieve any Person who ought to cancel such Stamp from any Penalty incurred by not cancelling the same as required by Law.

Bills of Sale to be produced stamped on filing Copies, and Deeds to be stamped before registered.

**34.** No Copy of any Bill of Sale of Personal Chattels shall be filed in any Court unless the Original shall be produced to the proper Officer with whom the Copy is to be filed, duly stamped with the Duty to which the same may be liable; and no Deed or Instrument liable to Stamp Duty shall be registered until the same is duly stamped.

Licences to Joint Stock Banks not required to specify the Names of more than Six Persons.

**35.** Whereas the Licences and Certificates granted to Bankers and Persons acting as Bankers in *Great Britain* and *Ireland* respectively, by or under the Authority of the Commissioners of Inland Revenue, are required by Law to specify, amongst other things, the Names and Places of Abode of all the Persons composing the respective Companies or Partnerships to whom they are granted: Be it enacted, That in any Case where a Company or Copartnership of Bankers consists of more than Six Persons it shall be sufficient to specify in any such Licence or Certificate the Names and Places of Abode of any Six or more of such Persons who may be presented to the Commissioners or their Officer, or whom they or he may select for the Purpose, and to grant the Licence or Certificate to them as and for the whole of the Company or Copartnership, or otherwise to specify only the Name or Style of the Company or Copartnership, and to grant the Licence or Certificate to such Company or Copartnership in and by the said Name or Style, as the Commissioners or their Officer shall think fit; and every such Licence and Certificate respectively shall be as good, valid, and available as if the Names and Places of Abode of all the Members of the Company or Copartnership had been specified therein, and the Licence had been granted to them, anything in any Act of Parliament to the contrary notwithstanding; but this shall not in any way alter or affect the Provisions of any Act of Parliament whereby any Banking Company or Copartnership is required to make any Account or Return of the Names

Names and Places of Abode of all the Members or Partners of such Company or Copartnership, and any other Particulars relating thereto.

The Provision made for assessing the Income Tax on the Interest and Dividends payable in the United Kingdom arising out of Foreign Companies extended to Colonial Companies.

**36.** The Provision made by the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Eighty, Section Two, and the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, Section Ten, for the assessing and charging the Income Tax on Interest, Dividends, or other annual Payments payable out of or in respect of the Stocks, Funds, or Shares of any Foreign Company, Society, Adventure, or Concern, shall be and the same is hereby extended and shall be applied to the assessing and charging of the Income Tax on all Interest, Dividends, or other annual Payments payable out of or in respect of the Stocks, Funds, or Shares of any Colonial Company, Society, Adventure, or Concern, and in respect of any Securities given by or on account of any such Colonial Company, Society, Adventure, or Concern, and which said Interest, Dividends, or annual Payments have been or shall be intrusted to any Person in the United Kingdom for Payment to any Persons, Corporations, Companies, or Societies in the United Kingdom; and for this Purpose the said Section Ten of the last-mentioned Act and this Enactment shall be read and construed together as One Enactment, in like Manner as if the Words "or Colonial" had been inserted and contained in the said Section Ten, immediately after the Word "Foreign," used therein with reference to any Company, Society, Adventure, or Concern.

Inspector or Surveyor to certify to Commissioners Cases in which Persons assessed are succeeded in their Trade or Business by other Persons, and Commissioners may apportion and adjust the Assessment.

**37.** In any Case in which an Assessment shall be made under Schedule (D.) of the Acts relating to the Income Tax, and the Party assessed shall within the Year of Assessment cease to carry on the Concern in respect of which the Assessment shall be made, and shall be succeeded therein by another Person, it shall be lawful for the Inspector or Surveyor of the District within which the Change may take place, at any Time before the Expiration of Three Calendar Months from the Fifth Day of *April* next after such Change, to certify to the Commissioners for the District in which the Assessment shall have been made the Particulars thereof, and the Christian and Surname and Place of Residence of the Person assessed, and of the Successor to the Concern, and also the Date of the Change in the carrying on of the said Concern, if the same shall be known to the said Inspector or Surveyor; and upon the Receipt of such Certificate the Commissioners shall cause Notice to be given to the respective Parties of a Time and Place appointed for a Meeting of Commissioners for considering the same; and the Commissioners shall, upon the Examination of the respective Parties, if in Attendance, or upon such other Proof of the Facts as may be satisfactory to the said Commis-

Commissioners, adjust and apportion the Assessment by charging the Successor with a fair Proportion thereof from the Period of his succeeding to the Concern and relieving the Person originally assessed from a like Amount.

**38.** The Determination of the Commissioners upon any such Certificate shall be final, and the Assessment so adjusted shall be recoverable from the respective Parties in like Manner as an Original Assessment; provided that if in any Case either of the said Parties shall have paid in respect of any Assessment so certified more than the Proportion which shall appear by the Determination of the Commissioners to be chargeable on him, then the Amount which shall have been so overpaid shall, when recovered from the Party liable, be paid to the Person by whom the Overpayment may have been made.

Commissioners Determination final.

Recovery of adjusted Assessment.

*As to Land Tax.*

**39.** And whereas an Act was passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Thirty-two, to provide for the Application of Monies arising from the Excess or Surplus of Land Tax assessed in certain Cases beyond the Quota or Proportion payable by the several Parishes or Places in *Great Britain* respectively, and it is expedient to make further and other Provision for the Application of such Monies for the Benefit of such respective Parishes or Places: Be it enacted, That in every Case where the Assessment made or to be made and allowed under the Provisions of the Acts relating to the Land Tax, for or upon any Parish or Place in any District or Division in *Great Britain*, shall exceed by any Amount or Sum whatever the Quota or Proportion payable to Her Majesty by or for such Parish or Place under the Provisions of the said Acts, the Excess or Surplus which shall be collected over and above the said Quota shall be accounted for and paid in the due and ordinary Course of Collection to the Receiver General of Inland Revenue, and shall be by him paid into the Bank of *England* to the Credit of an Account to be opened in the Books of the said Bank with the Commissioners for the Reduction of the National Debt, and to be entitled "The Account of Surplus Land Tax;" and the Commissioners of Inland Revenue shall cause to be opened and kept in the Books of the Inland Revenue Office at *Somerset House* an Account with every such Parish and Place respectively, and in every such last-mentioned Account shall be entered the Sums of Money from Time to Time collected from every such respective Parish and Place, and paid to the said Receiver General as such Surplus Land Tax as aforesaid.

All Surplus Land Tax collected in any Parish to be paid to the Receiver General of Inland Revenue, and by him into the Bank of England to an Account to be opened for that Purpose.

**40.** Whenever the Amount of such Surplus Land Tax standing to the Credit of any Parish or Place in any such Account as last mentioned

Surplus Land Tax to be applied in

the Redemption of Land Tax chargeable on the Parish in which it has arisen.

mentioned shall be sufficient, according to the Rules established by Law for computing the Consideration Money for the Redemption of Land Tax, to redeem the Sum of Three Pounds Land Tax, or to redeem the whole of the Land Tax chargeable on such Parish or Place, if the same shall be less than Three Pounds, the Commissioners of Inland Revenue shall certify that Fact to the Commissioners for the Reduction of the National Debt, who shall thereupon apply and appropriate in the Purchase and cancelling of Parliamentary Stocks or Annuities such Sum of the Monies standing in their Names to the Credit of the said Account of Surplus Land Tax as the said Commissioners of Inland Revenue shall certify to them to be a sufficient Consideration, computed according to the Rules aforesaid, for the Redemption of the Amount of Land Tax mentioned in their Certificate as intended to be redeemed thereby.

Commissioners of Inland Revenue to certify the Appropriation of Surplus Land Tax, and thereupon Parish to be exonerated from the Amount redeemed.

**41.** The Commissioners of Inland Revenue, having transmitted such Certificate as aforesaid to the Commissioners for the Reduction of the National Debt, shall cause the Parish or Place named in the said Certificate to be debited in the Surplus Land Tax Account in the Books of the Inland Revenue Office with the Sum specified in the said Certificate as the Sum to be applied in the Redemption of Land Tax chargeable upon such Parish or Place, and the said Commissioners of Inland Revenue shall also certify to the Commissioners of Land Tax for the District or Division in which the said Parish or Place is situated that the said Sum has been so applied, and also the Amount of Land Tax redeemed thereby, and thereupon the said Parish or Place shall stand exonerated and discharged from the said Amount of Land Tax from such of the quarterly Days for Payment of Land Tax as shall next precede the Day of the Date of the last-mentioned Certificate; and the said last-mentioned Certificate shall be registered in the Books of the proper Officer for the Registration of Land Tax redeemed.

So much of 6 G. 4. c. 32. as directs any other Appropriation repealed.

**42.** So much of the said Act of the Sixth Year of King *George* the Fourth, Chapter Thirty-two, as enacts or directs that the Surplus Land Tax arising in any Parish or Place shall be applied or appropriated in any other Manner than as by this Act is directed, shall be and the same is hereby repealed.

Not to repeal 4 & 5 W. 4. c. 60. s. 6. authorizing Remuneration to Assessors for making Assessments of Land Tax.

**43.** Provided always, That nothing in this Act contained shall extend to repeal the Sixth Section of the Act passed in the Fourth and Fifth Years of King *William* the Fourth, Chapter Sixty, or to prevent the Commissioners of Land Tax from deducting from the Surplus Land Tax which shall arise in any Parish or Place before Payment thereof to the Receiver General of Inland Revenue such Sum

Sum or Sums of Money as by or under the said last-mentioned Enactment are or may be directed or authorized to be paid to the Assessors of such Parish or Place as a Remuneration for their Trouble in making the Assessments to the Land Tax.

Construction of the Term "Parish or Place."

**44.** The Term "Parish or Place," used in this Act with reference to Land Tax, shall include and be construed to mean any City, Borough, Town, Parish, Ward, or Place.

*As to Land, Assessed, and Income Taxes.*

Duplicates of Assessments, &c. to be delivered to Commissioners by Collector upon clearing his Account.

**45.** Every Collector of any of the said Taxes shall upon clearing his Account for any of such Taxes deliver to the Commissioners by whom he was appointed the Duplicate of the Assessment for the Year and Tax to which such Account relates, together with the Books or Book of Receipts and Counterfoils furnished for his Use in the Collection of such Taxes, or in default thereof he shall forfeit the Sum of Fifty Pounds.

Persons in Prison against whom Informations are exhibited for Offences against the Inland Revenue to be brought up by Habeas Corpus at the Hearing of such Informations.

**46.** Where any Person against whom an Information shall be exhibited before a Justice of the Peace for any Offence committed by such Person against any Act relating to the Inland Revenue shall be in Prison on any Account whatever at the Time appointed for the Hearing of such Information, the Commissioners of Inland Revenue shall cause to be obtained and issued out of the Court of Exchequer in *England*, *Scotland*, or *Ireland*, as the Case may require, a Writ of Habeas Corpus directed to the Governor or Keeper of the Prison in which such Person shall be confined, commanding him to convey such Person to the Place of Hearing to be specified in such Writ, in order that the said Person may answer the said Information and attend the Trial thereof; and such Writ of Habeas Corpus shall be issued out of either of the said Courts, on Application made by any One of the Solicitors of Inland Revenue in *England*, *Scotland*, or *Ireland*, on behalf of the said Commissioners, to any Baron or Judge of any of the Superior Courts of Law in *England*, *Scotland*, and *Ireland* respectively; and it shall be lawful for the Justices or Magistrate before whom any such Information shall be brought for Adjudication to refuse to proceed with the said Information in the Absence of the Person charged, when satisfactory Proof shall be made that such Person is confined in Prison.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

accountable Party, and an Account shall be delivered in pursuance thereof, no Cause being shown as therein mentioned, such Party shall, on paying the Duty assessed on such Account, pay also the Costs of the Proceedings; and where Proceedings shall be taken as authorized by Section Forty-eight of the same Act, to enforce the Delivery of Accounts under the Legacy Duty Acts, such Proceeding shall also extend to the Payment of the Duty, if any, together with the Costs of the Proceedings; and for any of the Purposes aforesaid the Judges of the respective Courts of Exchequer shall frame all necessary Writs and Orders; and when any such Proceedings shall be discharged the Crown shall be liable to pay Costs to the Party proceeded against, and in all such Cases an Appeal shall lie from any Judgment of the Court in the same Manner as from any Judgment in a Proceeding by Information at the Suit of the Attorney General.

Certain Provisions in 22 & 23 Vict. c. 21. relating to summary Proceedings in England to extend to Ireland.

**2.** Whereas an Act was passed in the Twenty-second and Twenty-third Years of Her present Majesty's Reign, Chapter Twenty-one, for regulating the Office of Queen's Remembrancer, and amending the Practice and Procedure on the Revenue Side of the Court of Exchequer in *England*, and it is expedient that certain of the Provisions contained in the said Act should extend to *Ireland:* Be it enacted, That the Provisions contained in Sections Ten, Eleven, Twelve, Thirteen, Fourteen, and Fifteen of the said last-mentioned Act shall, so far as the same are applicable, extend to *Ireland*, and the said Sections shall be read as if the same were expressly enacted in reference to *Ireland*.

No Return of Probate Duty to be made for voluntary Debts.

**3.** No Return of Stamp Duty paid upon any Probate or Letters of Administration in *England* or *Ireland*, or any Inventory of the Estate and Effects of any deceased Person in *Scotland*, shall be made or allowed in respect of any voluntary Debt due from any Person dying after the Twenty-eighth Day of *June* One thousand eight hundred and sixty-one, which shall be expressed to be payable on the Death of such Person or payable under any Instrument which shall not have been *bonâ fide* delivered to the Donee thereof Three Months before the Death of such Person.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Revenue, and Post Office to furnish annual Accounts of Sums voted by Parliament for their several Departments.

Preparation of the Accounts of the respective Departments of Customs, Inland Revenue, and Post Office shall prepare, annually, Accounts showing the Appropriation of the Sums granted by Parliament for the Salaries and other effective Services, and for the Superannuations and other non-effective Services, of their respective Departments, classed under the Heads of the Annual Estimates for those Services, in the preceding Year ended on the Thirty-first Day of *March*, and they shall transmit the same, signed and attested by them respectively, on or before the Thirtieth Day of *June* following, to the Commissioners for auditing the Public Accounts, who shall cause the same to be forthwith examined, and who shall certify thereon as to the Correctness or otherwise of the said Accounts; and as soon as such Examination shall have been completed the said Commissioners for auditing the Public Accounts shall transmit the said Accounts to the Commissioners of the Treasury, who shall lay the same, together with the Reports of the said Commissioners thereon, before the House of Commons on or before the Thirty-first Day of *January* following the said Thirty-first Day of *March*, if Parliament be then sitting, and if not, then within One Week after Parliament shall be next assembled.

Certain Sections of recited Act to be applicable to Accounts prepared under this Act.

**2.** All the Provisions of the Third, Fourth, Fifth, and Sixth Sections of the before-mentioned Act relating to the Accounts of Naval and Military Expenditure shall be applicable to the Accounts to be prepared under the Provisions of this Act, except as otherwise provided by this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. XCIV.

### An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Accessories to and Abettors of indictable Offences.

[6th *August* 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of *England* and *Ireland* relating to Accessories to and Abettors of indictable Offences: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Accessories before the Fact:

1. Whosoever shall become an Accessory before the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, may be indicted, tried, convicted, and punished in all respects as if he were a principal Felon.

Accessories before the Fact may be tried and punished as Principals.

2. Whosoever shall counsel, procure, or command any other Person to commit any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, shall be guilty of Felony, and may be indicted and convicted either as an Accessory before the Fact to the principal Felony, together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony whether the principal

Accessories before the Fact may be indicted as such, or as substantive Felons.



Felon

Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may thereupon be punished in the same Manner as any Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished.

As to Accessories after the Fact:

Accessories after the Fact may be indicted as such, or as substantive Felons.

**3.** Whosoever shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, may be indicted and convicted either as an Accessory after the Fact to the principal Felony, together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may thereupon be punished in like Manner as any Accessory after the Fact to the same Felony, if convicted as an Accessory, may be punished.

Punishment of Accessories after the Fact.

**4.** Every Accessory after the Fact to any Felony (except where it is otherwise specially enacted), whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, shall be liable, at the Discretion of the Court, to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Two Years, with or without Hard Labour, and it shall be lawful for the Court, if it shall think fit, to require the Offender to enter into his own Recognizances and to find Sureties, both or either, for keeping the Peace, in addition to such Punishment: Provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

As to Accessories generally:

Prosecution of Accessory after Principal has been convicted, but not attainted.

**5.** If any principal Offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die, or be pardoned, or otherwise delivered before Attainder; and every such Accessory shall upon Conviction suffer the same Punishment as he would have suffered if the Principal had been attainted.

Several Accessories may be included in the same Indictment although principal Felon not included.

**6.** Any Number of Accessories at different Times to any Felony, and any Number of Receivers at different Times of Property stolen at One Time, may be charged with substantive Felonies in the same Indictment, and may be tried together, notwithstanding the principal Felon shall not be included in the same Indictment, or shall not be in Custody or amenable to Justice.

**7.** Where

*Accessories and Abettors.*

Trial of Accessories.

7. Where any Felony shall have been wholly committed within *England* or *Ireland*, the Offence of any Person who shall be an Accessory either before or after the Fact to any such Felony may be dealt with, inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felony, or any Felonies committed in any County or Place in which the Act by reason whereof such Person shall have become such Accessory shall have been committed; and in every other Case the Offence of any Person who shall be an Accessory either before or after the Fact to any Felony may be dealt with, inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felony or any Felonies committed in any County or Place in which such Person shall be apprehended or be in Custody, whether the principal Felony shall have been committed on the Sea or on the Land, or begun on the Sea and completed on the Land, or begun on the Land and completed on the Sea, and whether within Her Majesty's Dominions or without, or partly within Her Majesty's Dominions and partly without; provided that no Person who shall be once duly tried either as an Accessory before or after the Fact, or for a substantive Felony under the Provisions hereinbefore contained, shall be liable to be afterwards prosecuted for the same Offence.

As to Abettors in Misdemeanors:

Abettors in Misdemeanors.

8. Whosoever shall aid, abet, counsel, or procure the Commission of any Misdemeanor, whether the same be a Misdemeanor at Common Law or by virtue of any Act passed or to be passed, shall be liable to be tried, indicted, and punished as a principal Offender.

As to other Matters:

As to Offences committed within the Jurisdiction of the Admiralty.

9. Where any Person shall, within the Jurisdiction of the Admiralty of *England* or *Ireland*, become an Accessory to any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, and whether such Felony shall be committed within that Jurisdiction or elsewhere, or shall be begun within that Jurisdiction and completed elsewhere, or shall be begun elsewhere and completed within that Jurisdiction, the Offence of such Person shall be Felony; and in any Indictment for any such Offence the Venue in the Margin shall be the same as if the Offence had been committed in the County or Place in which such Person shall be indicted, and his Offence shall be averred to have been committed "on the High Seas;" provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

10. Nothing

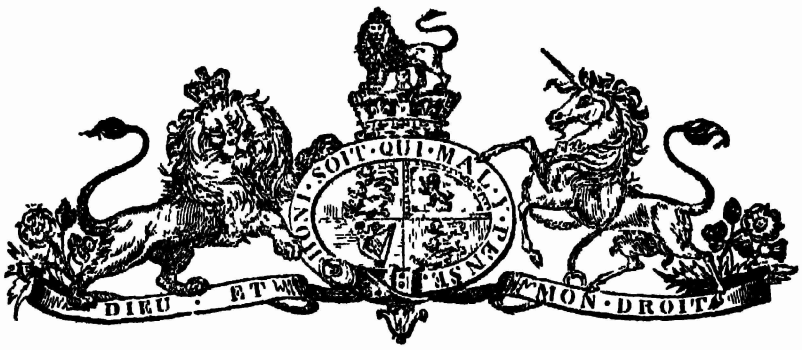
Act not to extend to Scotland.

**10.** Nothing in this Act contained shall extend to *Scotland*, except as herein-before otherwise expressly provided.

Commencement of Act.

**11.** This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

ment does form Part of the Law of *Scotland*, then the Enactment shall be wholly repealed as to every other Place, but shall not be repealed as to *Scotland*, unless otherwise expressly mentioned.

Repeal not to affect the Colonies in certain Cases.

2. Provided, That where any Enactment shall have been extended to any Part of Her Majesty's Dominions out of the United Kingdom by any Act of the Parliament of the United Kingdom or otherwise, the same shall not be repealed as to that Part of Her Majesty's Dominions.

Repeal not to affect Offences, &c. committed before the Commencement of this Act.

3. Provided also, That every Offence which shall have been wholly or partly committed against any of the said Acts or Parts of Acts before this Act comes into operation shall be dealt with, inquired of, tried, determined, and punished, and every Penalty in respect of any such Offence shall be recovered, in the same Manner as if the said Acts and Parts of Acts had not been repealed; and that every Act duly done, and every Warrant and other Instrument duly made or granted, before this Act comes into operation, shall continue and be of the same Force and Effect as if the said Acts and Parts of Acts had not been repealed; and that every Right, Liability, Privilege, and Protection in respect of any Matter or Thing committed or done before this Act comes into operation shall continue and be of the same Force and Effect as if the said Acts and Parts of Acts had not been repealed; and that every Action, Prosecution, and other Proceeding which shall have been commenced before this Act comes into operation, or shall thereafter be commenced, in respect of any such Matter or Thing, may be prosecuted, continued, and defended in the same Manner as if the said Acts and Parts of Acts had not been repealed.

Repeal not to affect any Authority to amend Registers of Births, &c.

4. Provided also, That nothing herein contained shall in any Manner alter or affect any Power or Authority given by any Act to alter or amend any Register of Births, Baptisms, Marriages, Deaths, or Burials.

The

## The SCHEDULE.

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 10 C. 1. Sess. 3. c. 20. (I.) | An Act against such as shall levie any Fine, suffer any Recovery, acknowledge any Statute, Recognizance, Baile, or Judgment in the Name of any other Person or Persons not being privie and consenting thereto. | The whole. |
| 7 W. 3. c. 18. (I.) - | An Act for taking special Bails in the Country upon Actions and Suits depending in the Courts of King's Bench, Common Pleas, and Exchequer at Dublin. | Section Four. |
| 2 & 3 Ann. c. 4. - | An Act for the public registering of Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments within the West Riding of the County of York after the Nine-and-twentieth Day of September One thousand seven hundred and four. | So much of Section Nineteen as relates to any forging or counterfeiting therein mentioned. |
| 6 Ann. c. 2. (I.) - | An Act for the public registering of all Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments. | So much of Section Seventeen as relates to any forging or counterfeiting therein mentioned. |
| 6 Ann. c. 35. - | An Act for the public registering of all Deeds, Conveyances, Wills, and other Incumbrances, that shall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the East Riding of the County of York, or the Town and County of the Town of Kingston-upon-Hull, after the Nine-and-twentieth Day of September One thousand seven hundred and eight; and for the rendering the Register in the West Riding more complete. | So much of Section Twenty-six as relates to any forging or counterfeiting therein mentioned. |
| 7 Ann. c. 20. - - | An Act for the public registering of Deeds, Conveyances, and Wills, and other Incumbrances, which shall be made of, or that may affect Honors, Manors, Lands, Tenements, or Hereditaments within the County of Middlesex after the Twenty-ninth Day of September One thousand seven hundred and nine. | So much of Section Fifteen as relates to any forging or counterfeiting therein mentioned. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 8 Ann. c. 10. (I.) - | An Act for amending an Act intituled "An "Act for the public registering of all "Deeds, Conveyances, and Wills that shall "be made of any Honors, Manors, Lands, "Tenements, or Hereditaments." | So much of Section Four as relates to any forging or counterfeiting therein mentioned. |
| 8 Geo. 1. c. 15. (I.) - | An Act for explaining and amending Two several Acts in relation to the public registering of Deeds, Conveyances, and Wills. | So much of Section Four as relates to any forging or counterfeiting therein mentioned. |
| 11 Geo. 1. c. 9. - | An Act for continuing the several Annuities of Eighty-eight thousand seven hundred fifty-one Pounds Seven Shillings and Tenpence Halfpenny and One hundred thousand Pounds to the Bank of England until Midsummer One thousand seven hundred and twenty-seven, and from thence for reducing the same to Seventy-one thousand and One Pounds Two Shillings and Threepence Three Farthings and Eighty thousand Pounds, redeemable by Parliament, and for preventing the uttering of forged, counterfeited, or erased Bank Bills or Notes. | Section Six. |
| 12 Geo. 1. c. 32. - | An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds, and Indorsements thereon; as likewise Indorsements on South Sea Bonds. | Section Nine. |
| 3 Geo. 2. c. 4. (I.) - | An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, and for the more effectual transporting Felons, Vagabonds, and others. | Section One. |
| 8 Geo. 2. c. 6. - | An Act for the public registering of all Deeds, Conveyances, Wills, and other Incumbrances that shall be made of, or that may affect any Honors, Manors, Lands, Tenements, or Hereditaments within the North Riding of the County of York, after the Nine-and-twentieth Day of September One thousand seven hundred and thirty-six. | So much of Section Thirty-one as relates to any forging or counterfeiting therein mentioned. |
| 15 Geo. 2. c. 13. - | An Act for establishing an Agreement with the Governor and Company of the Bank of England for advancing the Sum of One million six hundred thousand Pounds towards the Supply for the Service of the Year One thousand seven hundred and forty-two. | Section Twelve. |
| 17 Geo. 2. c. 11. (I.) | An Act for the Amendment of the Law in relation to Forgery, and the Salvage of Ships and Goods stranded. | Section One. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 13 & 14 Geo. 3. c. 14. (I.) | An Act for the more effectual preventing the forging or altering the Acceptance or Indorsement of Bills of Exchange, or the Numbers or Principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants or Orders for Payment of Money or Delivery of Goods. | The whole. |
| 21 & 22 Geo. 3. c. 16. (I.) | An Act for establishing a Bank by the Name of the Governors and Company of the Bank of Ireland. | Sections Fifteen and Sixteen. |
| 23 & 24 Geo. 3. c. 22. (I.) | An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery and the Court of Exchequer by depositing the same in the National Bank; and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects; and for other Purposes. | Section Twenty-two. |
| 25 Geo. 3. c. 37. (I.) | An Act to explain and amend an Act passed in the Thirteenth and Fourteenth Years of the Reign of His present Majesty King George the Third, intituled "An Act for "the more effectual preventing the forging or altering the Acceptance or Indorsement of Bills of Exchange, or the "Numbers or Principal Sums of accountable Receipts for Notes, Bills, or "other Securities for Payment of Money, "or Warrants or Orders for Payment of "Money or Delivery of Goods." | The whole. |
| 27 Geo. 3. c. 15. (I.) | An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths. | Section Five. |
| 35 Geo. 3. c. 66. | An Act for making Part of certain Principal Sums or Stock and Annuities raised or created or to be raised or created by the Parliament of the Kingdom of Ireland on Loans for the Use of the Government of that Kingdom transferrable, and the Dividends on such Stock and Annuities payable at the Bank of England; and for the better Security of the Proprietors of such Stocks and Annuities, and of the Governor and Company of the Bank of England. | Section Three and all the subsequent Sections. |
| 37 Geo. 3. c. 26. (I.) | An Act to prevent the forging of Notes and Bills of the Governor and Company of the Bank of Ireland, and to prevent the obtaining of false Credit, and the committing of Frauds by the Imitation of Notes or Bills of the said Governor and Company. | The whole. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 37 Geo. 3. c. 46. - | An Act for making certain Annuities created by the Parliament of the Kingdom of Ireland transferrable, and the Dividends thereon payable at the Bank of England; and for the better Security of the Proprietors of such Annuities, and of the Governor and Company of the Bank of England. | Section Three and all the subsequent Sections. |
| 37 Geo. 3. c. 54. (I.) | An Act to enable the Proprietors of Debentures issued by Government to convert them into Stock transferable at the Bank of Ireland. | Section Eleven and all the subsequent Sections. |
| 37 Geo. 3. c. 126. - | An Act to prevent the counterfeiting any Copper Coin in this Realm made or to be made current by Proclamation, or any Foreign Gold or Silver Coin; and to prevent the bringing into this Realm or uttering any counterfeit Foreign Gold or Silver Coin. | The whole, both as to England and Scotland, except Section One. |
| 38 Geo. 3. c. 53. (I.) | An Act for the more effectually preventing the forging of the Notes and Bills of the Governor and Company of the Bank of Ireland, and the Circulation of forged Notes and Bills of the said Governor and Company. | The whole. |
| 39 Geo. 3. c. 63. (I.) | An Act for the more effectually preventing the forging of Bills of Exchange and Promissory Notes, or any Acceptance, Assignment, or Indorsement thereof, or any Acquittance or Receipt for Money or Goods; and also for preventing the forging of the Promissory Notes of the Governor and Company of the Bank of England commonly called Bank Notes, and the Bills of Exchange of the said Governor and Company called Bank Post Bills. | The whole, except the last Section. |
| 40 Geo. 3. c. 96. (I.) | An Act to revive, amend, continue, or make perpetual certain temporary Statutes. | So much of Section Five as perpetuates the Part of the 27 Geo. 3. c. 15. hereby repealed. |
| 41 Geo. 3. c. 57. - | An Act for the better Prevention of the Forgery of the Notes and Bills of Exchange of Persons carrying on the Business of Bankers. | The whole. |
| 43 Geo. 3. c. 139. - | An Act for preventing the forging and counterfeiting of Foreign Bills of Exchange, and of Foreign Promissory Notes and Orders for the Payment of Money; and for preventing the counterfeiting of Foreign Copper Money. | Sections One and Two as to Ireland, and the rest of the Act as to the whole United Kingdom. |
| 48 Geo. 3. c. 1. - | An Act for regulating the issuing and paying off of Exchequer Bills. | Section Nine. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 49 Geo. 3. c. 13. (I.) | An Act for the more effectually preventing the forging of Bank Notes, Bank Bills of Exchange, and Bank Post Bills, and the Negotiation of forged and counterfeited Bank Notes, Bank Bills of Exchange, and Bank Post Bills of the Governor and Company of the Bank of Ireland. | The whole. |
| 1 Geo. 4. c. 4. - | An Act for punishing criminally Drivers of Stage Coaches and Carriages for Accidents occasioned by their wilful Misconduct. | The whole. |
| 1 Geo. 4. c. 92. - | An Act for the Prevention of forging and counterfeiting of Bank Notes. | Sections One and Two. |
| 3 Geo. 4. c. 116. - | An Act for the more convenient and effectual registering in Ireland Deeds executed in Great Britain. | So much of Section Seven as relates to any forging or counterfeiting therein mentioned. |
| 4 Geo. 4. c. 54. - | An Act for allowing the Benefit of Clergy to Persons convicted of certain Felonies, under Two Acts of the Ninth Year of King George the First and of the Twenty-seventh Year of King George the Second; for making better Provision for the Punishment of Persons guilty of sending or delivering Threatening Letters; and of Assaults with Intent to commit Robbery. | The whole. |
| 5 Geo. 4. c. 25. (I.) - | An Act to repeal so much of an Act passed in the Ninth Year of the Reign of King William the Third as relates to Burials in suppressed Monasteries, Abbeys, or Convents in Ireland; and to make further Provision with respect to the Burial in Ireland of Persons dissenting from the Established Church. | Section Five. |
| 7 Geo. 4. c. 64. - | An Act for improving the Administration of Criminal Justice in England. | Sections Nine, Ten, and Eleven. |
| 7 & 8 Geo. 4. c. 18. | An Act to prohibit the setting Spring Guns, Man Traps, and other Engines calculated to destroy Human Life or inflict grievous bodily Harm. | The whole. |
| 7 & 8 Geo. 4. c. 29. | An Act for consolidating and amending the Laws of England relative to Larceny and other Offences connected therewith. | The whole, as to the whole United Kingdom. |
| 7 & 8 Geo. 4. c. 30. | An Act for consolidating and amending the Laws in England relative to malicious Injuries to Property. | The whole. |
| 9 Geo. 4. c. 31. - | An Act for consolidating and amending the Statutes in England relative to Offences against the Person. | The whole. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 9 Geo. 4. c. 54. (I.) | An Act for improving the Administration of Justice in Criminal Cases in Ireland. | Sections Twenty-three, Twenty four, and Twenty-five. |
| 9 Geo. 4. c. 55. (I.) | An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith. | The whole, as to the whole United Kingdom. |
| 9 Geo. 4. c. 56. (I.) | An Act for consolidating and amending the Laws in Ireland relative to malicious Injuries to Property. | The whole. |
| 10 Geo. 4. c. 34. (I.) | An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person. | The whole. |
| 11 Geo. 4. & 1 W. 4. c. 66. | An Act for reducing into One Act all such Forgeries as shall henceforth be punished with Death, and for otherwise amending the Laws relative to Forgery. | The whole, except Section Twenty-one. |
| 2 & 3 W. 4. c. 4. - | An Act for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty. | The whole. |
| 2 & 3 W. 4. c. 34. - | An Act for consolidating and amending the Laws against Offences relating to the Coin. | The whole, as to the whole United Kingdom. |
| 2 & 3 W. 4. c. 75. - | An Act for regulating Schools of Anatomy. | Section Sixteen. |
| 2 & 3 W. 4. c. 123. | An Act for abolishing the Punishment of Death in certain Cases of Forgery. | The whole. |
| 3 & 4 W. 4. c. 44. - | An Act to repeal so much of Two Acts of the Seventh and Eighth Years and the Ninth Year of King George the Fourth as inflicts the Punishment of Death upon Persons breaking, entering, and stealing in a Dwelling House; also for giving Power to the Judges to add to the Punishment of Transportation for Life in certain Cases of Forgery, and in certain other Cases. | The whole. |
| 4 & 5 W. 4. c. 26. - | An Act to abolish the Practice of hanging the Bodies of Criminals in Chains. | Section Two. |
| 5 & 6 W. 4. c. 34. (I.) | An Act to amend Two Clerical Errors contained in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled "An "Act for consolidating and amending the "Laws in Ireland relative to Larceny and "other Offences connected therewith." | The whole. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 5 & 6 W. 4. c. 81. - | An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege. | So much as relates to the Punishment of any Person who shall break and enter any Church or Chapel, and steal therein any Chattel, or having stolen any Chattel in any Church or Chapel shall break out of the same, and to Principals in the Second Degree and Accessories in such Offences. |
| 6 & 7 W. 4. c. 4. - | An Act to amend the Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege. | So much as alters and amends that Part of the 5 & 6 W. 4. c. 81. which is hereby repealed. |
| 6 & 7 W. 4. c. 30. - | An Act to repeal so much of Two Acts of the Ninth and Tenth Years of King George the Fourth as directs the Period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder. | The whole. |
| 6 & 7 W. 4. c. 86. - | An Act for registering Births, Deaths, and Marriages in England. | Section Forty-three. |
| 7 W. 4. & 1 Vict. c. 77. | An Act to assimilate the Practice of the Central Criminal Court to other Courts of Criminal Judicature within the Kingdom of England and Wales with respect to Offenders liable to the Punishment of Death. | So much of Section Three as empowers the Court to direct Sentence of Death to be recorded in Cases of Murder. |
| 7 W. 4. & 1 Vict. c. 84. | An Act to abolish the Punishment of Death in Cases of Forgery. | So much of Sections One and Three as relates to the forging, altering, offering, uttering, disposing of, or putting off any Will, Testament, Codicil, or Testamentary Writing, or any Power of Attorney, or other Authority therein mentioned, and to Principals in the Second Degree and Accessories before the Fact in such Offences, and so much of Sections Two and Three as relates to the Punishment of any Offence created by or formerly punishable under any Enactment in this Schedule before mentioned and hereby repealed. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 7 W. 4. & 1 Vict. c. 85. | An Act to amend the Laws relating to Offences against the Person. | The whole. |
| 7 W. 4. & 1 Vict. c. 86. | An Act to amend the Laws relating to Burglary and stealing in a Dwelling House. | The whole. |
| 7 W. 4. & 1 Vict. c. 87. | An Act to amend the Laws relating to Robbery and stealing from the Person. | The whole. |
| 7 W. 4. & 1 Vict. c. 89. | An Act to amend the Laws relating to burning or destroying Buildings and Ships. | The whole. |
| 7 W. 4. & 1 Vict. c. 90. | An Act to amend the Law relative to Offences punishable by Transportation for Life. | The whole, except Section Five. |
| 2 & 3 Vict. c. 58. - | An Act to make further Provision for the Administration of Justice, and for improving the Practice and Proceedings in the Courts of the Stannaries of Cornwall, and for the Prevention of Frauds by Workmen employed in the Mines within the County of Cornwall. | Section Ten. |
| 3 & 4 Vict. c. 97. - | An Act for regulating Railways. | Section Fifteen. |
| 4 & 5 Vict. c. 56. - | An Act for taking away the Punishment of Death in certain Cases, and substituting other Punishments in lieu thereof | Sections Two and Three, and so much of Section One as relates to Embezzlements by Officers or Servants of the Bank of England. |
| 5 & 6 Vict. c. 28. (I.) | An Act to assimilate the Law in Ireland as to the Punishment of Death to the Law in England; to abolish the Punishment of Death in certain Cases in Ireland, and to substitute other Punishments in lieu thereof. | Sections Four, Thirteen, Fourteen, and Fifteen, and so much of Section Seven as alters the Punishment contained in any Enactment hereby repealed, and so much of Section Eighteen as relates to Principals in the Second Degree and Accessories before the Fact to any Offence mentioned in the said Sections Four, Thirteen, Fourteen, and Fifteen, or in the said Part of the said Section Eighteen hereby repealed. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act | Extent of Repeal. |
|---|---|---|
| 5 & 6 Vict. c. 39. - | An Act to amend the Law relating to Advances bonâ fide made to Agents intrusted with Goods. | Section Six. |
| 5 & 6 Vict. c. 66. - | An Act for further regulating the Preparation and Issue of Exchequer Bills. | Sections Nine and Ten. |
| 5 & 6 Vict. c. 106. (I.) | An Act to regulate the Irish Fisheries. | Sections Eleven and Twelve. |
| 6 & 7 Vict. c. 10. - | An Act for removing Doubts as to the Punishment which may be awarded under the Provisions of an Act of the Fourth and Fifth Years of Her present Majesty, "for taking away the Punishment of "Death in certain Cases," for certain Offences therein specified. | The whole. |
| 7 & 8 Vict. c. 62. - | An Act to amend the Law as to burning Farm Buildings. | The whole. |
| 7 & 8 Vict. c. 81. (I.) | An Act for Marriages in Ireland, and for registering such Marriages. | Section Seventy-five. |
| 8 & 9 Vict. c. 44. - | An Act for the better Protection of Works of Art and Scientific and Literary Productions. | The whole. |
| 8 & 9 Vict. c. 47. - | An Act for the further Prevention of the Offence of Dog Stealing. | The whole. |
| 8 & 9 Vict. c. 108. (I.) | An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty for regulating the Irish Fisheries. | Section Eighteen. |
| 9 & 10 Vict. c. 25. - | An Act for preventing malicious Injuries to Persons and Property by Fire or by explosive or destructive Substances. | The whole. |
| 10 & 11 Vict. c. 66. | An Act for extending the Provisions of the Law respecting threatening Letters, and accusing Parties with a view to extort Money. | The whole. |
| 11 & 12 Vict. c. 46. | An Act for the Removal of Defects in the Administration of Criminal Justice. | Sections One, Two, and Three. |
| 12 & 13 Vict. c. 11. | An Act to amend the Laws of England and Ireland relative to Larceny and other Offences connected therewith. | The whole. |
| 12 & 13 Vict. c. 76. | An Act to protect Women from fraudulent Practices for procuring their Defilement. | The whole. |
| 13 & 14 Vict. c. 72. (I.) | An Act to amend the Laws for the Registration of Assurances of Lands in Ireland. | Section Sixty-two. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 13 & 14 Vict. c. 88. (I.) | An Act to amend the Law relating to Engines used in the Rivers and on the Sea-coasts of Ireland for the taking of Fish. | Section Forty-two. |
| 14 & 15 Vict. c. 11. | An Act for the better Protection of Persons under the Care and Control of others as Apprentices or Servants; and to enable the Guardians and Overseers of the Poor to institute and conduct Prosecutions in certain Cases. | Sections One, Two, Six, and Seven. |
| 14 & 15 Vict. c. 19. | An Act for the better Prevention of Offences. | Sections One, Two, Three, Four, Six, Seven, Eight, and Nine. |
| 14 & 15 Vict. c. 92. (I.) | An Act to consolidate and amend the Acts relating to certain Offences and other Matters, as to which Justices of the Peace exercise summary Jurisdiction in Ireland. | Sections Two, Three, Four, and Five. |
| 14 & 15 Vict. c. 100. | An Act for further improving the Administration of Criminal Justice. | Sections Four, Six, Eight, Eleven, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, and so much of Section Five as relates to forging or uttering any Instrument, and so much of Section Twenty-nine as relates to any indecent Assault, or any Assault occasioning actual bodily Harm or any Attempt to have carnal Knowledge of a Girl under Twelve Years of Age. |
| 16 & 17 Vict. c. 23. | An Act for redeeming or commuting the Annuity payable to the South Sea Company, and certain Annuities of Three Pounds per Centum per Annum, and for creating new Annuities of Three Pounds Ten Shillings per Centum per Annum, and Two Pounds Ten Shillings per Centum per Annum, and issuing Exchequer Bonds. | Section Forty-one. |
| 16 & 17 Vict. c. 30. | An Act for the better Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law. | Section One. |
| 16 & 17 Vict. c. 99. | An Act to substitute in certain Cases other Punishment in lieu of Transportation. | Section Twelve. |
| 16 & 17 Vict. c. 102. | An Act to prevent the defacing of the current Coin of the Realm. | The whole, as to the whole United Kingdom. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 16 & 17 Vict. c. 113. | An Act to amend the Procedure in the Superior Courts of Common Law in Ireland. | So much of Section Seventy one as relates to any Action which shall be commenced against any Person for anything done in pursuance of any of the Acts of this Session for consolidating and amending the Statute Law of England and Ireland relating to Larceny, Malicious Injuries, and Coin. |
| 16 & 17 Vict. c. 132. | An Act to extend the Provisions of an Act of the present Session for redeeming or commuting the Annuity payable to the South Sea Company and certain Annuities of Three Pounds per Centum per Annum, and to provide for Payments to be made under the said Act. | Sections Ten and Eleven. |
| 17 & 18 Vict. c. 33. | An Act to place Public Statues within the Metropolitan Police District under the Control of the Commissioners of Her Majesty's Works and Public Buildings. | Section Six. |
| 20 & 21 Vict. c. 54. | An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property. | The whole. |
| 21 & 22 Vict. c. 3. - | An Act for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India. | Section Ten. |
| 21 & 22 Vict. c. 47. | An Act to amend the Law of false Pretences. | The whole. |
| 21 & 22 Vict. c. 79. | An Act to amend the Law relating to Cheques or Drafts on Bankers. | Section Three. |
| 21 & 22 Vict. c. 106. | An Act for the better Government of India. | Section Fifty. |
| 22 Vict. c. 11. | An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. | Section Ten. |
| 22 & 23 Vict. c. 32. | An Act to amend the Law concerning the Police in Counties and Boroughs in England and Wales. | Section Twenty-five. |
| 22 & 23 Vict. c. 39. - | An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. | Section Thirteen. |
| 23 & 24 Vict. c. 8. - | An Act to amend the Law relating to the unlawful administering of Poison. | The whole. |

*Criminal Statutes Repeal.*

| References to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 23 & 24 Vict. c. 29. | An Act to amend an Act relative to Malicious Injuries to Property. | The whole. |
| 23 & 24 Vict. c. 130. | An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. | Section Thirteen. |

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

"Document of Title to Lands:" The Term "Document of Title to Lands" shall include any Deed, Map, Paper, or Parchment, written or printed, or partly written and partly printed, being or containing Evidence of the Title, or any Part of the Title, to any Real Estate, or to any Interest in or out of any Real Estate:

"Trustee:" The Term "Trustee" shall mean a Trustee on some express Trust created by some Deed, Will, or Instrument in Writing, and shall include the Heir, or personal Representative, of any such Trustee, and any other Person upon or to whom the Duty of such Trust shall have devolved or come, and also an Executor and Administrator, and an Official Manager, Assignee, Liquidator, or other like Officer acting under any present or future Act relating to Joint Stock Companies, Bankruptcy, or Insolvency:

"Valuable Security:" The Term "valuable Security" shall include any Order, Exchequer Acquittance, or other Security whatsoever entitling or evidencing the Title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether of the United Kingdom, or of *Great Britain* or of *Ireland*, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, whether within the United Kingdom or in any Foreign State or Country, or to any Deposit in any Bank, and shall also include any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever for Money or for Payment of Money, whether of the United Kingdom, or of *Great Britain*, or of *Ireland*, or of any Foreign State, and any Document of Title to Lands or Goods as herein-before defined:

"Property:" The Term "Property" shall include every Description of Real and Personal Property, Money, Debts, and Legacies, and all Deeds and Instruments relating to or evidencing the Title or Right to any Property, or giving a Right to recover or receive any Money or Goods, and shall also include, not only such Property as shall have been originally in the Possession or under the Control of any Party, but also any Property into or for which the same may have been converted or exchanged, and any Thing acquired by such Conversion or Exchange, whether immediately or otherwise:

"Night." For the Purposes of this Act, the Night shall be deemed to commence at Nine of the Clock in the Evening of each Day, and to conclude at Six of the Clock in the Morning of the next succeeding Day.

All Larcenies to be of the same Nature. 2. Every Larceny, whatever be the Value of the Property stolen, shall be deemed to be of the same Nature, and shall be subject to the same Incidents in all respects as Grand Larceny was before the Twenty-first Day of *June* One thousand eight hundred and twenty-seven; and every

every Court whose Power as to the Trial of Larceny was before that Time limited to Petty Larceny shall have Power to try every Case of Larceny, the Punishment of which cannot exceed the Punishment herein-after mentioned for Simple Larceny, and also to try all Accessories to such Larceny.

**Bailees fraudulently converting Property guilty of Larceny.**

3. Whosoever, being a Bailee of any Chattel, Money, or valuable Security, shall fraudulently take or convert the same to his own Use or the Use of any Person other than the Owner thereof, although he shall not break Bulk or otherwise determine the Bailment, shall be guilty of Larceny, and may be convicted thereof upon an Indictment for Larceny; but this Section shall not extend to any Offence punishable on summary Conviction.

**Punishment for Simple Larceny.**

4. Whosoever shall be convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall (except in the Cases herein-after otherwise provided for) be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

**Three Larcenies within Six Months may be charged in One Indictment.**

5. It shall be lawful to insert several Counts in the same Indictment against the same Person for any Number of distinct Acts of Stealing, not exceeding Three, which may have been committed by him against the same Person within the Space of Six Months from the first to the last of such Acts, and to proceed thereon for all or any of them.

**Where a single Taking is charged, and several Takings at different Times are proved.**

6. If upon the Trial of any Indictment for Larceny it shall appear that the Property alleged in such Indictment to have been stolen at One Time was taken at different Times, the Prosecutor shall not by reason thereof be required to elect upon which Taking he will proceed, unless it shall appear that there were more than Three Takings, or that more than the Space of Six Months elapsed between the first and the last of such Takings; and in either of such last-mentioned Cases the Prosecutor shall be required to elect to proceed for such Number of Takings, not exceeding Three, as appear to have taken place within the Period of Six Months from the first to the last of such Takings.

**Larceny, after a Conviction for Felony.**

7. Whosoever shall commit the Offence of Simple Larceny after a previous Conviction for Felony, whether such Conviction shall have taken place upon an Indictment, or under the Provisions of

of the Act passed in the Session held in the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter One hundred and twenty-six, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Larceny after Conviction of an indictable Misdemeanor under this Act.

8. Whosoever shall commit the Offence of Simple Larceny, or any Offence hereby made punishable like Simple Larceny, after having been previously convicted of any indictable Misdemeanor punishable under this Act, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Larceny, after Two Summary Convictions.

9. Whosoever shall commit the Offence of Simple Larceny, or any Offence hereby made punishable like Simple Larceny, after having been twice summarily convicted of any of the Offences punishable upon Summary Conviction, under the Provisions contained in the Act of the Session held in the Seventh and Eighth Years of King *George* the Fourth, Chapter Twenty-nine, or the Act of the same Session, Chapter Thirty, or the Act of the Ninth Year of King *George* the Fourth, Chapter Fifty-five, or the Act of the same Year, Chapter Fifty-six, or the Act of the Session held in the Tenth and Eleventh Years of Queen *Victoria*, Chapter Eighty-two, or the Act of the Session held in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Fifty-nine, or in Sections Three, Four, Five, and Six of the Act of the Session held in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-two, or in this Act, or the Act of this Session, intituled *An Act to consolidate and amend the Statute Law of* England *and* Ireland *relating to malicious Injuries to Property*, (whether each of the Convictions shall have been in respect of an Offence of the same Description or not, and whether such Convictions or either of them shall have been or shall be before or after the passing of this Act,) shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

7 & 8 G. 4. cc. 29. 30.
9 G. 4. cc. 55. 56.
10 & 11 Vict. c. 82.
11 & 12 Vict. c. 59.
14 & 15 Vict. c. 92.
24 & 25 Vict. c. 97.

As

As to Larceny of Cattle or other Animals:

**10.** Whosoever shall steal any Horse, Mare, Gelding, Colt, or Filly, or any Bull, Cow, Ox, Heifer, or Calf, or any Ram, Ewe, Sheep, or Lamb, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Stealing Horses, Cows, Sheep, &c.

**11.** Whosoever shall wilfully kill any Animal, with Intent to steal the Carcase, Skin, or any Part of the Animal so killed, shall be guilty of Felony, and being convicted thereof shall be liable to the same Punishment as if he had been convicted of feloniously stealing the same, provided the Offence of stealing the Animal so killed would have amounted to Felony. Killing Animals with Intent to steal the Carcase, &c.

**12.** Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in the uninclosed Part of any Forest, Chase, or Purlieu, shall for every such Offence, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum, not exceeding Fifty Pounds, as to the Justice shall seem meet; and whosoever having been previously convicted of any Offence relating to Deer, for which a pecuniary Penalty shall have been imposed by this or by any former Act of Parliament, shall afterwards commit any of the Offences herein-before enumerated, whether such Second Offence be of the same Description as the first or not, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping. Stealing Deer in an uninclosed Part of a Forest. Second Offence.

**13.** Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in the inclosed Part of any Forest, Chase, or Purlieu, or in any inclosed Land where Deer shall be usually kept, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping. Stealing Deer in any inclosed Ground.

**14.** If any Deer, or the Head, Skin, or other Part thereof, or any Snare or Engine for the taking of Deer, shall be found in the Possession Suspected Persons found in possession of

Venison, &c., and not satisfactorily accounting for it.

Possession of any Person or on the Premises of any Person with his Knowledge, and such Person, being taken, or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by such Deer, or the Head, Skin, or other Part thereof, or had a lawful Occasion for such Snare or Engine, and did not keep the same for any unlawful Purpose, he shall, on Conviction by the Justice, forfeit and pay any Sum not exceeding Twenty Pounds; and if any such Person shall not under the said Provisions be liable to Conviction, then, for the Discovery of the Party who actually killed or stole such Deer, the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case shall require, may summon before him every Person through whose Hands such Deer, or the Head, Skin, or other Part thereof, shall appear to have passed; and if the Person from whom the same shall have been first received, or who shall have had Possession thereof, shall not satisfy the Justice that he came lawfully by the same, he shall, on Conviction by the Justice, be liable to the Payment of such Sum of Money as is hereinbefore last mentioned.

Penalty.

In case they cannot be convicted, how the Justice may proceed.

Setting Engines for taking Deer or pulling down Park Fences.

**15.** Whosoever shall unlawfully and wilfully set or use any Snare or Engine whatsoever, for the Purpose of taking or killing Deer, in any Part of any Forest, Chase, or Purlieu, whether such Part be inclosed or not, or in any Fence or Bank dividing the same from any Land adjoining, or in any inclosed Land where Deer shall be usually kept, or shall unlawfully and wilfully destroy any Part of the Fence of any Land where any Deer shall be then kept, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet.

Deer Keepers, &c. may seize the Guns, &c. of Offenders who, on Demand, do not deliver up the same.

**16.** If any Person shall enter into any Forest, Chase, or Purlieu, whether inclosed or not, or into any inclosed Land where Deer shall be usually kept, with Intent unlawfully to hunt, course, wound, kill, snare, or carry away any Deer, every Person intrusted with the Care of such Deer, and any of his Assistants, whether in his Presence or not, may demand from every such Offender any Gun, Fire-arms, Snare, or Engine in his Possession, and any Dog there brought for hunting, coursing, or killing Deer, and in case such Offender shall not immediately deliver up the same, may seize and take the same from him in any of those respective Places, or, upon Pursuit made, in any other Place to which he may have escaped therefrom, for the Use of the Owner of the Deer; and if any such Offender shall unlawfully beat or wound any Person intrusted with the Care of the Deer, or any of his Assistants, in the Execution of any of the Powers given by this Act, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion

Penalty on Resistance to Keepers, &c. in the Execution of their Duty.

Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

**Killing, &c. Hares or Rabbits in a Warren in the Night Time.**

**The like in the Daytime.**

**Exception.**

**17.** Whosoever shall unlawfully and wilfully, between the Expiration of the First Hour after Sunset and the Beginning of the last Hour before Sunrise, take or kill any Hare or Rabbit in any Warren or Ground lawfully used for the breeding or keeping of Hares or Rabbits, whether the same be inclosed or not, shall be guilty of a Misdemeanor; and whosoever shall unlawfully and wilfully, between the Beginning of the last Hour before Sunrise and the Expiration of the First Hour after Sunset, take or kill any Hare or Rabbit in any such Warren or Ground, or shall at any Time set or use therein any Snare or Engine for the taking of Hares or Rabbits, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; provided that nothing in this Section contained shall affect any Person taking or killing in the Daytime any Rabbits on any Sea Bank or River Bank in the County of *Lincoln*, so far as the Tide shall extend, or within One Furlong of such Bank.

**Stealing Dogs.**

**Second Offence.**

**18.** Whosoever shall steal any Dog shall, on Conviction thereof before Two Justices of the Peace, either be committed to the Common Gaol or House of Correction, there to be imprisoned, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or shall forfeit and pay, over and above the Value of the said Dog, such Sum of Money, not exceeding Twenty Pounds, as to the said Justices shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards steal any Dog, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Eighteen Months, with or without Hard Labour.

**Possession of stolen Dogs.**

**Second Offence.**

**19.** Whosoever shall unlawfully have in his Possession or on his Premises any stolen Dog, or the Skin of any stolen Dog, knowing such Dog to have been stolen or such Skin to be the Skin of a stolen Dog, shall, on Conviction thereof before Two Justices of the Peace, be liable to pay such Sum of Money, not exceeding Twenty Pounds, as to such Justices shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards be guilty of any such Offence as in this Section before mentioned, shall be guilty of a Mis-

Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Eighteen Months, with or without Hard Labour.

Taking Money to restore Dogs.

**20.** Whosoever shall corruptly take any Money or Reward, directly or indirectly, under Pretence or upon account of aiding any Person to recover any Dog which shall have been stolen, or which shall be in the Possession of any Person not being the Owner thereof, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Eighteen Months, with or without Hard Labour.

Stealing Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny.

**21.** Whosoever shall steal any Bird, Beast, or other Animal ordinarily kept in a State of Confinement or for any domestic Purpose, not being the Subject of Larceny at Common Law, or shall wilfully kill any such Bird, Beast, or Animal, with Intent to steal the same or any Part thereof, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Bird, Beast, or other Animal, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any Offence in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term not exceeding Twelve Months as the convicting Justice shall think fit.

Second Offence.

Persons found in possession of Stolen Beasts, &c. liable to Penalties.

**22.** If any such Bird, or any of the Plumage thereof, or any Dog, or any such Beast, or the Skin thereof, or any such Animal, or any Part thereof, shall be found in the Possession or on the Premises of any Person, any Justice may restore the same respectively to the Owner thereof; and any Person in whose Possession or on whose Premises such Bird or the Plumage thereof, or such Beast or the Skin thereof, or such Animal or any Part thereof, shall be so found, (such Person knowing that the Bird, Beast, or Animal has been stolen, or that the Plumage is the Plumage of a stolen Bird, or that the Skin is the Skin of a stolen Beast, or that the Part is a Part of a stolen Animal,) shall, on Conviction before a Justice of the Peace, be liable for the First Offence to such Forfeiture, and for every subsequent Offence to such Punishment, as any Person convicted of stealing any Beast or Bird is made liable to by the last preceding Section.

**23.** Who-

**23.** Whosoever shall unlawfully and wilfully kill, wound, or take any House Dove or Pigeon under such Circumstances as shall not amount to Larceny at Common Law, shall, on Conviction before a Justice of the Peace, forfeit and pay, over and above the Value of the Bird, any Sum not exceeding Two Pounds.

Killing Pigeons.

**24.** Whosoever shall unlawfully and wilfully take or destroy any Fish in any Water which shall run through or be in any Land adjoining or belonging to the Dwelling House of any Person being the Owner of such Water, or having a Right of Fishery therein, shall be guilty of a Misdemeanor; and whosoever shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any Fish in any Water not being such as herein-before mentioned, but which shall be private Property, or in which there shall be any private Right of Fishery, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Fish taken or destroyed (if any), such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet: Provided, that nothing herein-before contained shall extend to any Person angling between the Beginning of the last Hour before Sunrise and the Expiration of the First Hour after Sunset; but whosoever shall by angling between the Beginning of the last Hour before Sunrise and the Expiration of the First Hour after Sunset unlawfully and wilfully take or destroy, or attempt to take or destroy, any Fish in any such Water as first mentioned, shall, on Conviction before a Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds, and if in any such Water as last mentioned, he shall, on the like Conviction, forfeit and pay any Sum not exceeding Two Pounds as to the Justice shall seem meet; and if the Boundary of any Parish, Township, or Vill shall happen to be in or by the Side of any such Water as is in this Section before mentioned, it shall be sufficient to prove that the Offence was committed either in the Parish, Township, or Vill named in the Indictment or Information, or in any Parish, Township, or Vill adjoining thereto.

Taking Fish in any Water situate in Land belonging to a Dwelling House; in a private Fishery elsewhere.

Provision respecting Anglers.

Provision as to Boundaries of Parishes.

**25.** If any Person shall at any Time be found fishing against the Provisions of this Act, the Owner of the Ground, Water, or Fishery where such Offender shall be so found, his Servant, or any Person authorized by him, may demand from such Offender any Rod, Line, Hook, Net, or other Implement for taking or destroying Fish which shall then be in his Possession, and in case such Offender shall not immediately deliver up the same, may seize and take the same from him for the Use of such Owner: Provided, that any Person angling against the Provisions of this Act, between the Beginning of the

The Tackle of Fishers may be seized.

Angler, on Seizure of his Tackle,

exempt from Penalty.

the last Hour before Sunrise and the Expiration of the First Hour after Sunset, from whom any Implement used by Anglers shall be taken, or by whom the same shall be so delivered up, shall by the taking or delivering thereof be exempted from the Payment of any Damages or Penalty for such Angling.

Stealing or dredging for Oysters in Oyster Fisheries.

**26.** Whosoever shall steal any Oysters or Oyster Brood from any Oyster Bed, Laying, or Fishery, being the Property of any other Person, and sufficiently marked out or known as such, shall be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny; and whosoever shall unlawfully and wilfully use any Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any Oyster Bed, Laying, or Fishery, being the Property of any other Person, and sufficiently marked out or known as such, for the Purpose of taking Oysters or Oyster Brood, although none shall be actually taken, or shall unlawfully and wilfully, with any Net, Instrument, or Engine, drag upon the Ground or Soil of any such Fishery, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour, and with or without Solitary Confinement; and it shall be sufficient in any Indictment to describe either by Name or otherwise the Bed, Laying, or Fishery in which any of the said Offences shall have been committed, without stating the same to be in any particular Parish, Township, or Vill: Provided, that nothing in this Section contained shall prevent any Person from catching or fishing for any floating Fish within the Limits of any Oyster Fishery with any Net, Instrument, or Engine adapted for taking floating Fish only.

Form of Indictment.

Proviso as to floating Fish.

As to Larceny of written Instruments:

Bonds, Bills, Notes, &c.

**27.** Whosoever shall steal, or shall for any fraudulent Purpose destroy, cancel, or obliterate, the whole or any Part of any valuable Security, other than a Document of Title to Lands, shall be guilty of Felony, of the same Nature and in the same Degree and punishable in the same Manner as if he had stolen any Chattel of like Value with the Share, Interest, or Deposit to which the Security so stolen may relate, or with the Money due on the Security so stolen, or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing represented, mentioned, or referred to in or by the Security.

Deeds, &c. relating to Real Property.

**28.** Whosoever shall steal, or shall for any fraudulent Purpose destroy, cancel, obliterate, or conceal, the whole or any Part of any Document of Title to Lands shall be guilty of Felony, and being

being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and in any Indictment for any such Offence relating to any Document of Title to Lands, it shall be sufficient to allege such Document to be or to contain Evidence of the Title or of Part of the Title of the Person or of some One of the Persons having an Interest, whether vested or contingent, legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate or some Part thereof.

Form of Indictment.

**29.** Whosoever shall, either during the Life of the Testator or after his Death, steal, or for any fraudulent Purpose destroy, cancel, obliterate, or conceal, the whole or any Part of any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and it shall not in any Indictment for such Offence be necessary to allege that such Will, Codicil, or other Instrument is the Property of any Person: Provided, that nothing in this or the last preceding Section mentioned, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but no Conviction of any such Offender shall be received in Evidence in any Action at Law or Suit in Equity against him; and no Person shall be liable to be convicted of any of the Felonies in this and the last preceding Section mentioned, by any Evidence whatever, in respect of any Act done by him, if he shall at any Time previously to his being charged with such Offence have first disclosed such Act, on Oath, in consequence of any compulsory Process of any Court of Law or Equity in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved, or if he shall have first disclosed the same in any compulsory Examination or Deposition before any Court upon the Hearing of any Matter in Bankruptcy or Insolvency.

Wills or Codicils.

Other Remedies not to be affected.

**30.** Whosoever shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously

Stealing Records or other legal Documents.

maliciously cancel, obliterate, injure, or destroy the whole or any Part of any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or of any original Document whatsoever of or belonging to any Court of Record, or relating to any Matter, Civil or Criminal, begun, depending, or terminated in any such Court, or of any Bill, Petition, Answer, Interrogatory, Deposition, Affidavit, Order, or Decree, or of any original Document whatsoever of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending, or terminated in any such Court, or of any original Document in anywise relating to the Business of any Office or Employment under Her Majesty, and being or remaining in any Office appertaining to any Court of Justice, or in any of Her Majesty's Castles, Palaces, or Houses, or in any Government or Public Office, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and it shall not in any Indictment for such Offence be necessary to allege that the Article in respect of which the Offence is committed is the Property of any Person.

Form of Indictment.

As to Larceny of Things attached to or growing on Land:

Metal, Glass, Wood, &c. fixed to House or Land.

**31.** Whosoever shall steal, or shall rip, cut, sever, or break with Intent to steal, any Glass or Wood-work belonging to any Building whatsoever, or any Lead, Iron, Copper, Brass, or other Metal, or any Utensil or Fixture, whether made of Metal or other Material or of both, respectively fixed in or to any Building whatsoever, or any Thing made of Metal fixed in any Land being private Property, or for a Fence to any Dwelling House, Garden, or Area, or in any Square or Street, or in any Place dedicated to public Use or Ornament, or in any Burial Ground, shall be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny; and in the Case of any such Thing fixed in any such Square, Street, or Place as aforesaid, it shall not be necessary to allege the same to be the Property of any Person.

Trees in Pleasure Grounds of the Value of 1*l.*, or elsewhere of the Value of 5*l.*

**32.** Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, shall (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of One Pound,) be guilty of Felony, and being convicted thereof shall be liable to be punished

punished as in the Case of Simple Larceny; and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing elsewhere than in any of the Situations in this Section before mentioned, shall (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of Five Pounds,) be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny.

Stealing Trees, Shrubs, &c., wheresoever growing, and of any Value above 1s., punishable on Summary Conviction for First and Second Offence; Third Offence, Felony.

**33.** Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, wheresoever the same may be respectively growing, the stealing of such Article or Articles, or the Injury done, being to the Amount of a Shilling at the least, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Article or Articles stolen, or the Amount of the Injury done, such Sum of Money not exceeding Five Pounds as to the Justice shall seem meet; and whosoever having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall for such Second Offence be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term not exceeding Twelve Months as the convicting Justice shall think fit; and whosoever, having been twice convicted of any such Offence (whether both or either of such Convictions shall have taken place before or after the passing of this Act), shall afterwards commit any of the Offences in this Section before mentioned, shall be guilty of Felony, and being convicted thereof shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Second Offence.

Third Offence.

Stealing, &c. any live or dead Fence, wooden Fence, Stile, or Gate.

**34.** Whosoever shall steal, or shall cut, break, or throw down with Intent to steal, any Part of any live or dead Fence, or any wooden Post, Pale, Wire, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money not exceeding Five Pounds as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction,

Second Offence.

tion, there to be kept to Hard Labour, for such Term not exceeding Twelve Months as the convicting Justice shall think fit.

Suspected Persons in possession of Wood, &c., not satisfactorily accounting for it.

**35.** If the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Wire, Rail, Stile, or Gate, or any Part thereof, being of the Value of One Shilling at the least, shall be found in the Possession of any Person, or on the Premises of any Person, with his Knowledge, and such Person, being taken or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, he shall on Conviction by the Justice forfeit and pay, over and above the Value of the Article or Articles so found, any Sum not exceeding Two Pounds.

Stealing, &c. any Fruit or Vegetable Production in a Garden, &c., punishable on Summary Conviction for First Offence;

**36.** Whosoever shall steal, or shall destroy or damage with Intent to steal, any Plant, Root, Fruit, or Vegetable Production growing in any Garden, Orchard, Pleasure Ground, Nursery Ground, Hothouse, Greenhouse, or Conservatory, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money not exceeding Twenty Pounds as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the Offences in this Section before mentioned, shall be guilty of Felony, and being convicted thereof shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Second Offence, Felony.

Stealing, &c. Vegetable Productions not growing in Gardens, &c.

**37.** Whosoever shall steal, or shall destroy or damage with Intent to steal, any cultivated Root or Plant used for the Food of Man or Beast, or for Medicine, or for distilling, or for dyeing, or for or in the Course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, Pleasure Ground, or Nursery Ground, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding One Month, or else shall forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money not exceeding Twenty Shillings as to the Justice shall seem meet, and in default of Payment thereof, together with the Costs (if ordered), shall be committed as aforesaid for

for any Term not exceeding One Month, unless Payment be sooner made; and whosoever, having been convicted of any such Offence either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour, for such Term not exceeding Six Months as the convicting Justice shall think fit.

Second Offence.

As to Larceny from Mines:

**38.** Whosoever shall steal, or sever with Intent to steal, the Ore of any Metal, or any Lapis Calaminaris, Manganese or Mundick, or any Wad, Black Cawke, or Black Lead, or any Coal or Cannel Coal, from any Mine, Bed, or Vein thereof respectively, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Ore of Metal, Coal, &c.

**39.** Whosoever, being employed in or about any Mine, shall take, remove, or conceal any Ore of any Metal, or any Lapis Calaminaris, Manganese, Mundick, or other Mineral found or being in such Mine, with Intent to defraud any Proprietor of or any Adventurer in such Mine, or any Workman or Miner employed therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Miners removing Ore with Intent to defraud.

As to Larceny from the Person, and other like Offences:

**40.** Whosoever shall rob any Person, or shall steal any Chattel, Money, or valuable Security from the Person of another, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Robbery or Stealing from the Person.

**41.** If upon the Trial of any Person upon any Indictment for Robbery it shall appear to the Jury upon the Evidence that the Defendant did not commit the Crime of Robbery, but that he did commit an Assault with Intent to rob, the Defendant shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that the Defendant is guilty of an Assault with Intent to rob; and thereupon such Defendant shall be liable

On Trial for Robbery, Jury may convict of an Assault with Intent to rob.

liable to be punished in the same Manner as if he had been convicted upon an Indictment for feloniously assaulting with Intent to rob; and no Person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an Assault with Intent to commit the Robbery for which he was so tried.

Assault with Intent to rob.

**42.** Whosoever shall assault any Person with Intent to rob shall be guilty of Felony, and being convicted thereof shall (save and except in the Cases where a greater Punishment is provided by this Act) be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Robbery or Assault by a Person armed, or by Two or more, or Robbery and wounding.

**43.** Whosoever shall, being armed with any offensive Weapon or Instrument, rob, or assault with Intent to rob, any Person, or shall, together with One or more other Person or Persons, rob, or assault with Intent to rob, any Person, or shall rob any Person, and at the Time of or immediately before or immediately after such Robbery shall wound, beat, strike, or use any other personal Violence to any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Letter, demanding Money, &c. with Menaces.

**44.** Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the Contents thereof, any Letter or Writing demanding of any Person with Menaces, and without any reasonable or probable Cause, any Property, Chattel, Money, valuable Security, or other valuable Thing, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Demanding Money, &c. with Menaces, or by Force, with Intent to steal.

**45.** Whosoever shall with Menaces or by Force demand any Property, Chattel, Money, valuable Security, or other valuable Thing of any Person, with Intent to steal the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**46.** Who-

**46.** Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the Contents thereof, any Letter or Writing accusing or threatening to accuse any other Person of any Crime punishable by Law with Death or Penal Servitude for not less than Seven Years, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any infamous Crime as herein-after defined, with a View or Intent in any of such Cases to extort or gain by means of such Letter or Writing any Property, Chattel, Money, valuable Security, or other valuable Thing, from any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping; and the abominable Crime of Buggery, committed either with Mankind or with Beast, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise, or Threat offered or made to any Person whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the Meaning of this Act.

Letter threatening to accuse of Crime, with Intent to extort.

"Infamous Crime" defined

**47.** Whosoever shall accuse or threaten to accuse, either the Person to whom such Accusation or Threat shall be made or any other Person, of any of the infamous or other Crimes lastly herein-before mentioned, with the View or Intent in any of the Cases last aforesaid to extort or gain from such Person so accused or threatened to be accused, or from any other Person, any Property, Chattel, Money, valuable Security, or other valuable Thing, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Accusing or threatening to accuse, with Intent to extort.

**48.** Whosoever, with Intent to defraud or injure any other Person, shall, by any unlawful Violence to or Restraint of, or Threat of Violence to or Restraint of, the Person of another, or by accusing or threatening to accuse any Person of any Treason, Felony, or infamous Crime as herein-before defined, compel or induce any Person to execute, make, accept, indorse, alter, or destroy the whole or any Part of any valuable Security, or to write, impress, or affix his Name,

Inducing a Person by Violence or Threats to execute Deeds, &c., with Intent to defraud.

 or

or the Name of any other Person, or of any Company, Firm, or Copartnership, or the Seal of any Body Corporate, Company, or Society, upon or to any Paper or Parchment, in order that the same may be afterwards made or converted into, or used or dealt with as, a valuable Security, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

It shall be immaterial from whom the Menaces proceed.

**49.** It shall be immaterial whether the Menaces or Threats herein-before mentioned be of Violence, Injury, or Accusation to be caused or made by the Offender or by any other Person.

As to Sacrilege, Burglary, and Housebreaking:

Breaking and entering a Church or Chapel and committing any Felony.

**50.** Whosoever shall break and enter any Church, Chapel, Meeting House, or other Place of Divine Worship, and commit any Felony therein, or being in any Church, Chapel, Meeting House, or other Place of Divine Worship shall commit any Felony therein and break out of the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Burglary by breaking out.

**51.** Whosoever shall enter the Dwelling House of another with Intent to commit any Felony therein, or being in such Dwelling House shall commit any Felony therein, and shall in either Case break out of the said Dwelling House in the Night, shall be deemed guilty of Burglary.

Burglary.

**52.** Whosoever shall be convicted of the Crime of Burglary shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

What Building within the Curtilage shall be deemed Part

**53.** No Building, although within the same Curtilage with any Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for any of the Purposes of this Act, unless there shall be a Communication between such Building and Dwelling

Dwelling House, either immediate, or by means of a covered and inclosed Passage leading from the one to the other. of the Dwelling House.

**54.** Whosoever shall enter any Dwelling House in the Night, with Intent to commit any Felony therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Entering a Dwelling House in the Night with Intent to commit any Felony.

**55.** Whosoever shall break and enter any Building, and commit any Felony therein, such Building being within the Curtilage of a Dwelling House, and occupied therewith, but not being Part thereof, according to the Provision herein-before mentioned, or being in any such Building shall commit any Felony therein, and break out of the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Breaking into any Building within the Curtilage which is no Part of the Dwelling House and committing any Felony.

**56.** Whosoever shall break and enter any Dwelling House, Schoolhouse, Shop, Warehouse, or Counting-house, and commit any Felony therein, or, being in any Dwelling House, Schoolhouse, Shop, Warehouse, or Counting-house, shall commit any Felony therein, and break out of the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Breaking into any House, Shop, Warehouse, &c., and committing any Felony.

**57.** Whosoever shall break and enter any Dwelling House, Church, Chapel, Meeting House, or other Place of Divine Worship, or any Building within the Curtilage, Schoolhouse, Shop, Warehouse, or Counting-house, with Intent to commit any Felony therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. House breaking, &c. with Intent to commit any Felony.

**58.** Whosoever shall be found by Night armed with any dangerous or offensive Weapon or Instrument whatsoever, with Intent to Being armed with Intent to break and

enter any House in the Night.

to break or enter into any Dwelling House or other Building whatsoever, and to commit any Felony therein, or shall be found by Night having in his Possession without lawful Excuse (the Proof of which Excuse shall lie on such Person) any Picklock Key, Crow, Jack, Bit, or other Implement of Housebreaking, or shall be found by Night having his Face blackened or otherwise disguised with Intent to commit any Felony, or shall be found by Night in any Dwelling House or other Building whatsoever with Intent to commit any Felony therein, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

The like, after a previous Conviction for Felony, &c.

**59.** Whosoever shall be convicted of any such Misdemeanor as in the last preceding Section mentioned, committed after a previous Conviction, either for Felony or such Misdemeanor, shall on such subsequent Conviction be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

As to Larceny in the House:

Stealing in a Dwelling House to the Value of 5*l.*

**60.** Whosoever shall steal in any Dwelling House any Chattel, Money, or valuable Security, to the Value in the whole of Five Pounds or more, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Stealing in a Dwelling House with Menaces.

**61.** Whosoever shall steal any Chattel, Money, or valuable Security in any Dwelling House, and shall by any Menace or Threat put any one being therein in bodily Fear, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to Larceny in Manufactories:

Stealing Goods in Process of Manufacture.

**62.** Whosoever shall steal, to the Value of Ten Shillings, any Woollen, Linen, Hempen, or Cotton Yarn, or any Goods or Article of Silk, Woollen, Linen, Cotton, Alpaca, or Mohair, or of any

any One or more of those Materials mixed with each other, or mixed with any other Material, whilst laid, placed, or exposed, during any Stage, Process, or Progress of Manufacture, in any Building, Field, or other Place, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to Larceny in Ships, Wharfs, &c.:

**63.** Whosoever shall steal any Goods or Merchandise in any Vessel, Barge, or Boat of any Description whatsoever in any Haven, or in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek or Basin belonging to or communicating with any such Haven, Port, River, or Canal, or shall steal any Goods or Merchandise from any Dock, Wharf, or Quay adjacent to any such Haven, Port, River, Canal, Creek, or Basin, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Stealing from Ships, Docks, Wharfs, &c.

**64.** Whosoever shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, or any Goods, Merchandise, or Articles of any kind belonging to such Ship or Vessel, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and the Offender may be indicted and tried either in the County or Place in which the Offence shall have been committed or in any County or Place next adjoining. Stealing from Ship in Distress or wrecked.

**65.** If any Goods, Merchandise, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, shall be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being taken or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall, by Order of the Justice, be forthwith delivered over to or for the Use of the rightful Owner thereof; and the Offender shall, on Conviction of such Offence before the Justice, at the Discretion Persons in possession of shipwrecked Goods not giving a satisfactory Account.

Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Goods, Merchandise, or Articles, such Sum of Money not exceeding Twenty Pounds as to the Justice shall seem meet.

If any Person offers ship-wrecked Goods for Sale, the Goods may be seized, &c.

**66.** If any Person shall offer or expose for Sale any Goods, Merchandise, or Articles whatsoever, which shall have been unlawfully taken, or shall be reasonably suspected so to have been taken, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same, or give Notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandise, or Articles, then the same shall, by Order of the Justice, be forthwith delivered over to or for the Use of the rightful Owner thereof, upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Offender shall, on Conviction of such Offence by the Justice, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Goods, Merchandise, or Articles, such Sum of Money not exceeding Twenty Pounds as to the Justice shall seem meet.

As to Larceny or Embezzlement by Clerks, Servants, or Persons in the Public Service:

Larceny by Clerks or Servants.

**67.** Whosoever, being a Clerk or Servant, or being employed for the Purpose or in the Capacity of a Clerk or Servant, shall steal any Chattel, Money, or valuable Security belonging to or in the Possession or Power of his Master or Employer, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Embezzlement by Clerks or Servants.

**68.** Whosoever, being a Clerk or Servant, or being employed for the Purpose or in the Capacity of a Clerk or Servant, shall fraudulently

fraudulently embezzle any Chattel, Money, or valuable Security, which shall be delivered to or received or taken into possession by him for or in the Name or on the Account of his Master or Employer, or any Part thereof, shall be deemed to have feloniously stolen the same from his Master or Employer, although such Chattel, Money, or Security was not received into the Possession of such Master or Employer otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Larceny by Persons in the Queen's Service or by the Police.

**69.** Whosoever being employed in the Public Service of Her Majesty, or being a Constable or other Person employed in the Police of any County, City, Borough, District, or Place whatsoever, shall steal any Chattel, Money, or valuable Security belonging to or in the Possession or Power of Her Majesty, or intrusted to or received or taken into possession by him by virtue of his Employment, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Embezzlement by Persons in the Queen's Service, or by the Police.

**70.** Whosoever, being employed in the Public Service of Her Majesty, or being a Constable or other Person employed in the Police of any County, City, Borough, District, or Place whatsoever, and intrusted by virtue of such Employment with the Receipt, Custody, Management, or Control of any Chattel, Money, or valuable Security, shall embezzle any Chattel, Money, or valuable Security which shall be intrusted to or received or taken into possession by him by virtue of his Employment, or any Part thereof, or in any Manner fraudulently apply or dispose of the same or any Part thereof to his own Use or Benefit, or for any Purpose whatsoever except for the Public Service, shall be deemed to have feloniously stolen the same from Her Majesty, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and every Offender against this or the last preceding Section may be dealt with, indicted, tried, and punished either in the County or Place in which he shall be apprehended or be in Custody, or in

Venue.

Form of Warrant of Commitment and Indictment.

in which he shall have committed the Offence; and in every Case of Larceny, Embezzlement, or fraudulent Application or Disposition of any Chattel, Money, or valuable Security in this and the last preceding Section mentioned, it shall be lawful in the Warrant of Commitment by the Justice of the Peace before whom the Offender shall be charged, and in the Indictment to be preferred against such Offender, to lay the Property of any such Chattel, Money, or valuable Security in Her Majesty.

Distinct Acts of Embezzlement may be charged in the same Indictment.

71. For preventing Difficulties in the Prosecution of Offenders in any Case of Embezzlement, fraudulent Application or Disposition, herein-before mentioned, it shall be lawful to charge in the Indictment and proceed against the Offender for any Number of distinct Acts of Embezzlement, or of fraudulent Application or Disposition, not exceeding Three, which may have been committed by him against Her Majesty or against the same Master or Employer, within the Space of Six Months from the first to the last of such Acts; and in every such Indictment where the Offence shall relate to any Money or any valuable Security it shall be sufficient to allege the Embezzlement, or fraudulent Application or Disposition, to be of Money, without specifying any particular Coin or valuable Security; and such Allegation, so far as regards the Description of the Property, shall be sustained if the Offender shall be proved to have embezzled or fraudulently applied or disposed of any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved; or if he shall be proved to have embezzled or fraudulently applied or disposed of any Piece of Coin or any valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof should be returned to the Party delivering the same, or to some other Person, and such Part shall have been returned accordingly.

Person indicted for Embezzlement as a Clerk, &c. to be acquitted if the Offence turn turn out to be Larceny; and vice versâ.

72. If upon the Trial of any Person indicted for Embezzlement, or fraudulent Application or Disposition as aforesaid, it shall be proved that he took the Property in question in any such Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such Person is not guilty of Embezzlement, or fraudulent Application or Disposition, but is guilty of Simple Larceny, or of Larceny as a Clerk, Servant, or Person employed for the Purpose or in the Capacity of a Clerk or Servant, or as a Person employed in the Public Service, or in the Police, as the Case may be; and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for such Larceny;

Larceny; and if upon the Trial of any Person indicted for Larceny it shall be proved that he took the Property in question in any such Manner as to amount in Law to Embezzlement, or fraudulent Application or Disposition as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such Person is not guilty of Larceny, but is guilty of Embezzlement, or fraudulent Application or Disposition, as the Case may be, and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for such Embezzlement, fraudulent Application or Disposition; and no Person so tried for Embezzlement, fraudulent Application or Disposition, or Larceny as aforesaid, shall be liable to be afterwards prosecuted for Larceny, fraudulent Application or Disposition, or Embezzlement, upon the same Facts.

Embezzlement by Officers of the Bank of England or Ireland.

**73.** Whosoever, being an Officer or Servant of the Governor and Company of the Bank of *England* or of the Bank of *Ireland*, and being intrusted with any Bond, Deed, Note, Bill, Dividend Warrant, or Warrant for Payment of any Annuity or Interest, or Money, or with any Security, Money, or other Effects of or belonging to the said Governor and Company, or having any Bond, Deed, Note, Bill, Dividend Warrant, or Warrant for Payment of any Annuity or Interest, or Money, or any Security, Money, or other Effects of any other Person, Body Politic or Corporate, lodged or deposited with the said Governor and Company, or with him as an Officer or Servant of the said Governor and Company, shall secrete, embezzle, or run away with any such Bond, Deed, Note, Bill, Dividend or other Warrant, Security, Money, or other Effects as aforesaid, or any Part thereof, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to Larceny by Tenants or Lodgers:

Tenant or Lodger stealing Chattel or Fixture let to Hire with House or Lodgings.

**74.** Whosoever shall steal any Chattel or Fixture let to be used by him or her in or with any House or Lodging, whether the Contract shall have been entered into by him or her or by her Husband, or by any Person on behalf of him or her or her Husband, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping, and in case the Value of such Chattel or Fixture shall exceed the Sum of Five Pounds, shall be

be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping; and in every Case of stealing any Chattel in this Section mentioned it shall be lawful to prefer an Indictment in the common Form as for Larceny, and in every Case of stealing any Fixture in this Section mentioned to prefer an Indictment in the same Form as if the Offender were not a Tenant or Lodger, and in either Case to lay the Property in the Owner or Person letting to Hire.

As to Frauds by Agents, Bankers, or Factors:

Agent, Banker, &c. embezzling Money or selling Securities, &c. intrusted to him;

**75.** Whosoever, having been intrusted, either solely, or jointly with any other Person, as a Banker, Merchant, Broker, Attorney, or other Agent, with any Money or Security for the Payment of Money, with any Direction in Writing to apply, pay, or deliver such Money or Security or any Part thereof respectively, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose, or to any Person specified in such Direction, shall, in violation of good Faith, and contrary to the Terms of such Direction, in anywise convert to his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he shall have been so intrusted, such Money, Security, or Proceeds, or any Part thereof respectively;

or Goods, &c. intrusted to him for safe Custody.

and whosoever, having been intrusted, either solely, or jointly with any other Person, as a Banker, Merchant, Broker, Attorney, or other Agent, with any Chattel or valuable Security, or any Power of Attorney for the Sale or Transfer of any Share or Interest in any Public Stock or Fund, whether of the United Kingdom, or any Part thereof, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, for safe Custody or for any special Purpose, without any Authority to sell, negotiate, transfer, or pledge, shall, in violation of good Faith, and contrary to the Object or Purpose for which such Chattel, Security, or Power of Attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any Manner convert to his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he shall have been so intrusted, such Chattel or Security, or the Proceeds of the same, or any Part thereof, or the Share or Interest in the Stock or Fund to which such Power of Attorney shall relate,

Punishment.

or any Part thereof, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term

Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; but nothing in this Section contained relating to Agents shall affect any Trustee in or under any Instrument whatsoever, or any Mortgagee of any Property, Real or Personal, in respect of any Act done by such Trustee or Mortgagee in relation to the Property comprised in or affected by any such Trust or Mortgage; nor shall restrain any Banker, Merchant, Broker, Attorney, or other Agent from receiving any Money which shall be or become actually due and payable upon or by virtue of any valuable Security, according to the Tenor and Effect thereof, in such Manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any Securities or Effects in his Possession upon which he shall have any Lien, Claim, or Demand entitling him by Law so to do, unless such Sale, Transfer, or other Disposal shall extend to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

Not to affect Trustees or Mortgagees; nor Bankers, &c. receiving Money due on Securities; or disposing of Securities on which they have a Lien.

**76.** Whosoever, being a Banker, Merchant, Broker, Attorney, or Agent, and being intrusted, either solely, or jointly with any other Person, with the Property of any other Person for safe Custody, shall, with Intent to defraud, sell, negotiate, transfer, pledge, or in any Manner convert or appropriate the same or any Part thereof to or for his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he was so intrusted, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

Bankers, &c. fraudulently selling, &c. Property in trusted to their Care.

**77.** Whosoever, being intrusted, either solely, or jointly with any other Person, with any Power of Attorney for the Sale or Transfer of any Property, shall fraudulently sell or transfer or otherwise convert the same or any Part thereof to his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he was so intrusted, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

Persons under Powers of Attorney fraudulent selling Property.

**78.** Whosoever, being a Factor or Agent intrusted, either solely, or jointly with any other Person, for the Purpose of Sale or otherwise, with the Possession of any Goods, or of any Document of Title to Goods, shall, contrary to or without the Authority of his Principal in that Behalf, for his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he was so intrusted,

Factors obtaining Advances on the Property of their Principals.

intrusted, and in violation of good Faith, make any Consignment, Deposit, Transfer, or Delivery of any Goods or Document of Title so intrusted to him as in this Section before mentioned, as and by way of a Pledge, Lien, or Security for any Money or valuable Security borrowed or received by such Factor or Agent at or before the Time of making such Consignment, Deposit, Transfer, or Delivery, or intended to be thereafter borrowed or received, or shall, contrary to or without such Authority, for his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he was so intrusted, and in violation of good Faith, accept any Advance of any Money or valuable Security on the Faith of any Contract or Agreement to consign, deposit, transfer, or deliver any such Goods or Document of Title, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as hereinbefore last mentioned; and every Clerk or other Person who shall knowingly and wilfully act and assist in making any such Consignment, Deposit, Transfer, or Delivery, or in accepting or procuring such Advance as aforesaid, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the same Punishments: Provided, that no such Factor or Agent shall be liable to any Prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Consignment, Deposit, Transfer, or Delivery was justly due and owing to such Agent from his Principal, together with the Amount of any Bill of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent.

Clerks wilfully assisting.

Cases excepted where the Pledge does not exceed the Amount of their Lien.

Definitions of Terms: "intrusted:"

79. Any Factor or Agent intrusted as aforesaid, and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods or obtained by reason of such Factor or Agent having been intrusted with the Possession of the Goods, or of any other Document of Title thereto, shall be deemed to have been intrusted with the Possession of the Goods represented by such Document of Title; and every Contract pledging or giving a Lien upon such Document of Title as aforesaid shall be deemed to be a Pledge of and Lien upon the Goods to which the same relates; and such Factor or Agent shall be deemed to be possessed of such Goods or Document, whether the same shall be in his actual Custody, or shall be held by any other Person subject to his Control, or for him or on his Behalf; and where any Loan or Advance shall be *bonâ fide* made to any Factor or Agent intrusted

"pledge:"

"possessed:"

"Advance:"

trusted with and in possession of any such Goods or Document of Title, on the Faith of any Contract or Agreement in Writing to consign, deposit, transfer, or deliver such Goods or Documents of Title, and such Goods or Document of Title shall actually be received by the Person making such Loan or Advance, without Notice that such Factor or Agent was not authorized to make such Pledge, or Security, every such Loan or Advance shall be deemed to be a Loan or Advance on the Security of such Goods or Document of Title within the Meaning of the last preceding Section, though such Goods or Document of Title shall not actually be received by the Person making such Loan or Advance till the Period subsequent thereto; and any Contract or Agreement, whether made direct with such Factor or Agent, or with any Clerk or other Person on his Behalf, shall be deemed a Contract or Agreement with such Factor or Agent; and any Payment made, whether by Money or Bill of Exchange or other negotiable Security, shall be deemed to be an Advance within the Meaning of the last preceding Section; and a Factor or Agent in possession as aforesaid of such Goods or Document shall be taken, for the Purposes of the last preceding Section, to have been intrusted therewith by the Owner thereof, unless the contrary be shown in Evidence.

"Contract or Agreement:"

"Advance:"

Possession to be Evidence of intrusting.

**80.** Whosoever, being a Trustee of any Property for the Use or Benefit, either wholly or partially, of some other Person, or for any public or charitable Purpose, shall, with Intent to defraud, convert or appropriate the same or any Part thereof to or for his own Use or Benefit, or the Use or Benefit of any Person other than such Person as aforesaid, or for any Purpose other than such public or charitable Purpose as aforesaid, or otherwise dispose of or destroy such Property or any Part thereof, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as hereinbefore last mentioned: Provided, that no Proceeding or Prosecution for any Offence included in this Section shall be commenced without the Sanction of Her Majesty's Attorney General, or, in case that Office be vacant, of Her Majesty's Solicitor General: Provided also, that where any Civil Proceeding shall have been taken against any Person to whom the Provisions of this Section may apply, no Person who shall have taken such Civil Proceeding shall commence any Prosecution under this Section without the Sanction of the Court or Judge before whom such Civil Proceeding shall have been had or shall be pending.

Trustees, fraudulently disposing of Property, guilty of a Misdemeanor.

No Prosecution shall be commenced without the Sanction of some Judge or the Attorney General.

**81.** Whosoever, being a Director, Member, or Public Officer of any Body Corporate or Public Company, shall fraudulently take or

Directors, &c. of any Body Corpo-

rate or Public Company fraudulently appropriating Property;

or apply for his own Use or Benefit, or for any Use or Purposes other than the Use or Purposes of such Body Corporate or Public Company, any of the Property of such Body Corporate or Public Company, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

or keeping fraudulent Accounts;

**82.** Whosoever, being a Director, Public Officer, or Manager of any Body Corporate or Public Company, shall as such receive or possess himself of any of the Property of such Body Corporate or Public Company otherwise than in Payment of a just Debt or Demand, and shall, with Intent to defraud, omit to make or to cause or direct to be made a full and true Entry thereof in the Books and Accounts of such Body Corporate or Public Company, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

or wilfully destroying Books, &c.;

**83.** Whosoever, being a Director, Manager, Public Officer, or Member of any Body Corporate or Public Company, shall, with Intent to defraud, destroy, alter, mutilate, or falsify any Book, Paper, Writing, or valuable Security belonging to the Body Corporate or Public Company, or make or concur in the making of any false Entry, or omit or concur in omitting any material Particular, in any Book of Account or other Document, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award, as herein-before last mentioned.

or publishing fraudulent Statements.

**84.** Whosoever, being a Director, Manager, or Public Officer of any Body Corporate or Public Company, shall make, circulate, or publish, or concur in making, circulating, or publishing, any written Statement or Account which he shall know to be false in any material Particular, with Intent to deceive or defraud any Member, Shareholder, or Creditor of such Body Corporate or Public Company, or with Intent to induce any Person to become a Shareholder or Partner therein, or to intrust or advance any Property to such Body Corporate or Public Company, or to enter into any Security for the Benefit thereof, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award, as herein-before last mentioned.

No Person to be exempt from

**85.** Nothing in any of the last Ten preceding Sections of this Act contained shall enable or entitle any Person to refuse to make

make a full and complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding in any Court, or upon the Hearing of any Matter in Bankruptcy or Insolvency; and no Person shall be liable to be convicted of any of the Misdemeanors in any of the said Sections mentioned by any Evidence whatever in respect of any Act done by him, if he shall at any Time previously to his being charged with such Offence have first disclosed such Act on Oath, in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved, or if he shall have first disclosed the same in any compulsory Examination or Deposition before any Court upon the Hearing of any Matter in Bankruptcy or Insolvency.

answering Questions in any Court, but no Person making a Disclosure in any compulsory Proceeding to be liable to Prosecution.

**86.** Nothing in any of the last Eleven preceding Sections of this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereon against any Person under any of the said Sections, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any Offence against any of the said Sections might have had if this Act had not been passed; but no Conviction of any such Offender shall be received in Evidence in any Action at Law or Suit in Equity against him; and nothing in the said Sections contained shall affect or prejudice any Agreement entered into or Security given by any Trustee, having for its Object the Restoration or Repayment of any Trust Property misappropriated.

No Remedy at Law or in Equity shall be affected.

Convictions shall not be received in Evidence in Civil Suits.

**87.** No Misdemeanor against any of the last Twelve preceding Sections of this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Certain Misdemeanors not triable at Sessions.

As to obtaining Money, &c. by false Pretences:

**88.** Whosoever shall by any false Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to defraud, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement: Provided, that if upon the Trial of any Person indicted for such Misdemeanor it shall be proved that he obtained the Property in question in any such Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted of such Misdemeanor; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts: Provided also, that it shall be sufficient in any Indictment for obtaining or attempting to

False Pretences.

No Acquittal because the Offence amounts to Larceny.

Form of Indictment and Evidence.

to obtain any such Property by false Pretences to allege that the Party accused did the Act with Intent to defraud, without alleging an Intent to defraud any particular Person, and without alleging any Ownership of the Chattel, Money, or valuable Security; and on the Trial of any such Indictment it shall not be necessary to prove an Intent to defraud any particular Person, but it shall be sufficient to prove that the Party accused did the Act charged with an Intent to defraud.

Where any Money or Thing is caused to be paid or delivered to any Person other than the Person making a false Pretence.

**89.** Whosoever shall by any false Pretence cause or procure any Money to be paid, or any Chattel, or valuable Security, to be delivered to any other Person, for the Use or Benefit or on account of the Person making such false Pretence, or of any other Person, with Intent to defraud, shall be deemed to have obtained such Money, Chattel, or valuable Security within the Meaning of the last preceding Section.

Inducing Persons by Fraud to execute Deeds and other Instruments.

**90.** Whosoever, with Intent to defraud or injure any other Person, shall by any false Pretence fraudulently cause or induce any other Person to execute, make, accept, endorse, or destroy the whole or any Part of any valuable Security, or to write, impress, or affix his Name, or the Name of any other Person, or of any Company, Firm, or Copartnership, or the Seal of any Body Corporate, Company, or Society, upon any Paper or Parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable Security, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to receiving Stolen Goods:

Receiving, where the Principal is guilty of Felony.

**91.** Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof shall amount to a Felony, either at Common Law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, shall be guilty of Felony, and may be indicted and convicted either as an Accessory after the Fact or for a substantive Felony, and in the latter Case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and every such Receiver, howsoever convicted, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term

Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping: Provided, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

**92.** In any Indictment containing a Charge of feloniously stealing any Property it shall be lawful to add a Count or several Counts for feloniously receiving the same or any Part or Parts thereof, knowing the same to have been stolen, and in any Indictment for feloniously receiving any Property knowing it to have been stolen it shall be lawful to add a Count for feloniously stealing the same; and where any such Indictment shall have been preferred and found against any Person, the Prosecutor shall not be put to his Election, but it shall be lawful for the Jury who shall try the same to find a Verdict of Guilty, either of stealing the Property, or of receiving the same, or any Part or Parts thereof, knowing the same to have been stolen; and if such Indictment shall have been preferred and found against Two or more Persons it shall be lawful for the Jury who shall try the same to find all or any of the said Persons guilty either of stealing the Property or of receiving the same, or any Part or Parts thereof, knowing the same to have been stolen, or to find One or more of the said Persons guilty of stealing the Property, and the other or others of them guilty of receiving the same or any Part or Parts thereof knowing the same to have been stolen.

Indictment for Stealing and receiving.

**93.** Whenever any Property whatsoever shall have been stolen, taken, extorted, obtained, embezzled, or otherwise disposed of in such a Manner as to amount to a Felony, either at Common Law or by virtue of this Act, any Number of Receivers at different Times of such Property, or of any Part or Parts thereof, may be charged with substantive Felonies in the same Indictment, and may be tried together, notwithstanding that the principal Felon shall not be included in the same Indictment, or shall not be in Custody or amenable to Justice.

Separate Receivers may be included in the same Indictment in the Absence of the Principal.

**94.** If upon the Trial of any Two or more Persons indicted for jointly receiving any Property it shall be proved that One or more of such Persons separately received any Part or Parts of such Property, it shall be lawful for the Jury to convict, upon such Indictment, such of the said Persons as shall be proved to have received any Part or Parts of such Property.

On an Indictment for jointly receiving, Persons may be convicted of separately receiving.

**95.** Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining,

Receiving, where the Principal

has been guilty of a Misdemeanor.

ing, converting, or disposing whereof is made a Misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted, or disposed of, shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Receiver where triable.

**96.** Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, converted, or disposed of, may, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, be dealt with, indicted, tried, and punished in any County or Place in which he shall have or shall have had any such Property in his Possession, or in any County or Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such Receiver may be dealt with, indicted, tried, and punished in the County or Place where he actually received such Property.

Receivers of Property, where the original Offence is punishable on Summary Conviction.

**97.** Where the stealing or taking of any Property whatsoever is by this Act punishable on Summary Conviction, either for every Offence, or for the First and Second Offence only, or for the First Offence only, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of receiving, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

Principals in the Second Degree and Accessories.

**98.** In case of every Felony punishable under this Act every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act (except only a Receiver of stolen Property) shall, on Conviction, be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary

Solitary Confinement; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal Offender.

Abettors in Misdemeanors.

**99.** Whosoever shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on Summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, shall, on Conviction before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a principal Offender is by this Act made liable.

Abettors in Offences punishable on Summary Conviction.

As to Restitution and Recovery of stolen Property:

**100.** If any Person guilty of any such Felony or Misdemeanor as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing of, or in knowingly receiving, any Chattel, Money, valuable Security, or other Property whatsoever, shall be indicted for such Offence, by or on the Behalf of the Owner of the Property, or his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and in every Case in this Section aforesaid the Court before whom any Person shall be tried for any such Felony or Misdemeanor shall have Power to award from Time to Time Writs of Restitution for the said Property, or to order the Restitution thereof in a summary Manner: Provided, that if it shall appear before any Award or Order made that any valuable Security shall have been *bonâ fide* paid or discharged by some Person or Body Corporate liable to the Payment thereof, or being a negotiable Instrument shall have been *bonâ fide* taken or received by Transfer or Delivery, by some Person or Body Corporate, for a just and valuable Consideration, without any Notice or without any reasonable Cause to suspect that the same had by any Felony or Misdemeanor been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, in such Case the Court shall not award or order the Restitution of such Security: Provided also, that nothing in this Section contained shall apply to the Case of any Prosecution of any Trustee, Banker, Merchant, Attorney, Factor, Broker, or other Agent intrusted with the Possession of Goods or Documents of Title to Goods for any Misdemeanor against this Act.

The Owner of stolen Property prosecuting Thief or Receiver to Conviction shall have Restitution of his Property.

Provision as to valuable and negotiable Securities.

Not to apply to Prosecutions of Trustees, Bankers, &c.

**101.** Who-

Taking a Reward for helping to the Recovery of stolen Property without bringing the Offender to Trial.

**101.** Whosoever shall corruptly take any Money or Reward, directly or indirectly, under pretence or upon account of helping any Person to any Chattel, Money, valuable Security, or other Property whatsoever which shall by any Felony or Misdemeanor have been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, as in this Act before mentioned, shall (unless he shall have used all due Diligence to cause the Offender to be brought to Trial for the same) be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without Whipping.

Advertising a Reward for the Return of stolen Property, &c.

**102.** Whosoever shall publicly advertise a Reward for the Return of any Property whatsoever which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Property which shall have been stolen or lost, without seizing or making any Inquiry after the Person producing such Property, or shall promise or offer in any such public Advertisement to return to any Pawnbroker or other Person who may have bought or advanced Money by way of Loan upon any Property stolen or lost the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Property, or shall print or publish any such Advertisement, shall forfeit the Sum of Fifty Pounds for every such Offence to any Person who will sue for the same by Action of Debt, to be recovered, with full Costs of Suit.

As to Apprehension of Offenders, and other Proceedings:

A Person in the Act of committing any Offence may be apprehended without a Warrant.

A Justice, upon good Grounds of Suspicion proved on Oath, may grant a Search Warrant.

**103.** Any Person found committing any Offence punishable, either upon Indictment or upon Summary Conviction, by virtue of this Act, except only the Offence of Angling in the Daytime, may be immediately apprehended without a Warrant by any Person, and forthwith taken, together with such Property, if any, before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his Possession or on his Premises any Property whatsoever on or with respect to which any Offence, punishable either upon Indictment or upon Summary Conviction by virtue of this Act, shall have been committed, the Justice may grant a Warrant to search for such Property as in the Case

Case of stolen Goods; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend and forthwith to take before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

Any Person to whom stolen Property is offered may seize the Party offering it.

**104.** Any Constable or Peace Officer may take into Custody, without Warrant, any Person whom he shall find lying or loitering in any Highway, Yard, or other Place, during the Night, and whom he shall have good Cause to suspect of having committed, or being about to commit, any Felony against this Act, and shall take such Person, as soon as reasonably may be, before a Justice of the Peace, to be dealt with according to Law.

A Person loitering at Night and suspected of any Felony against this Act may be apprehended.

**105.** Where any Person shall be charged on the Oath of a credible Witness before any Justice of the Peace with any Offence punishable on Summary Conviction under this Act, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons, and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person, and bringing him before himself or some other Justice of the Peace; or the Justice before whom the Charge shall be made may (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), issue such Warrant, and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Mode of compelling the Appearance of Persons punishable on Summary Conviction.

**106.** Every Sum of Money which shall be forfeited on any Summary Conviction for the Value of any Property stolen or taken, or for the Amount of any Injury done (such Value or Amount to be assessed in each Case by the convicting Justice), shall be paid to the Party aggrieved, except where he is unknown, and in that Case such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice of the Peace, whether in addition to such Value or Amount or otherwise, shall be paid and applied in the same Manner as other Penalties recoverable before Justices of the Peace are to be paid and applied in Cases where the Statute imposing the same contains no Direction for the Payment thereof to any Person: Provided, that where several Persons shall join in the Commission of the same Offence, and shall, upon

Application of Forfeitures and Penalties on Summary Convictions.

Proviso where several Per-

sons join in Commission of same Offence.

upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Value of the Property or to the Amount of the Injury, in every such Case no further Sum shall be paid to the Party aggrieved than such Value or Amount; and the remaining Sum or Sums forfeited shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein-before directed to be applied.

If a Person summarily convicted shall not pay, &c., the Justice may commit him.

Scale of Imprisonment.

**107.** In every Case of a Summary Conviction under this Act, where the Sum which shall be forfeited for the Value of the Property stolen or taken, or for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice, shall not be paid, either immediately after the Conviction, or within such Period as the Justice shall at the Time of the Conviction appoint, the convicting Justice (unless where otherwise specially directed) may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, according to the Discretion of the Justice, for any Term not exceeding Two Months, where the Amount of the Sum forfeited or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Four Months where the Amount, with Costs, shall not exceed Ten Pounds, and for any Term not exceeding Six Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

Justice may discharge the Offender in certain Cases.

**108.** Where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, the Justice may, if he shall so think fit, discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved for Damages and Costs, or either of them, as shall be ascertained by the Justice.

A Summary Conviction shall be a Bar to any other Proceeding for the same Cause.

**109.** In case any Person convicted of any Offence punishable upon Summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs, under such Conviction, or shall have received a Remission thereof from the Crown, or from the Lord Lieutenant or other Chief Governor in *Ireland*, or shall have suffered the Imprisonment awarded for Non-payment thereof, or the Imprisonment adjudged in the first instance, or shall have been so discharged from his Conviction by any Justice as aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Appeal.

**110.** In all Cases where the Sum adjudged to be paid on any Summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Month, or the Conviction shall take place before

before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County or Place wherein the Cause of Complaint shall have arisen; provided, that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or shall enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; or if such Appeal shall be against any Conviction, whereby only a Penalty or other Sum of Money shall be adjudged to be paid, shall deposit with the Clerk of the convicting Justice such a Sum of Money as such Justice shall deem to be sufficient to cover the Sum so adjudged to be paid, together with the Costs of the Conviction and the Costs of the Appeal; and upon such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Justice before whom such Recognizance shall be entered into, or such Deposit shall be made, shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or the Affirmance of the Conviction shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment; and in any Case where after any such Deposit shall have been made as aforesaid the Conviction shall be affirmed, the Court may order the Sum thereby adjudged to be paid, together with the Costs of the Conviction and the Costs of the Appeal, to be paid out of the Money deposited, and the Residue thereof, if any, to be repaid to the Party convicted; and in any Case where after any such Deposit the Conviction shall be quashed, the Court shall order the Money deposited to be repaid to the Party convicted; and in every Case where any Conviction shall be quashed on Appeal as aforesaid the Clerk of the Peace, or other proper Officer, shall forthwith endorse on the Conviction a Memorandum that the same has been so quashed; and whenever any Copy or Certificate of such Conviction shall be made, a Copy of such Memorandum shall be added thereto, and shall be sufficient Evidence that the Conviction has been quashed in every Case where such Copy or Certificate would be sufficient Evidence of such Conviction.

No Certiorari, &c.

**111.** No such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Quarter Sessions.

**112.** Every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

Venue, in Proceedings against Persons acting under this Act.

Notice of Action

General Issue, &c.

**113.** All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant has by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be shall certify his Approbation of the Action.

As

As to other Matters:

**114.** If any Person shall have in his Possession in any one Part of the United Kingdom any Chattel, Money, valuable Security, or other Property whatsoever, which he shall have stolen or otherwise feloniously taken in any other Part of the United Kingdom, he may be dealt with, indicted, tried, and punished for Larceny or Theft in that Part of the United Kingdom where he shall so have such Property, in the same Manner as if he had actually stolen or taken it in that Part; and if any Person in any one Part of the United Kingdom shall receive or have any Chattel, Money, valuable Security, or other Property whatsoever which shall have been stolen or otherwise feloniously taken in any other Part of the United Kingdom, such Person knowing such Property to have been stolen or otherwise feloniously taken, he may be dealt with, indicted, tried, and punished for such Offence in that Part of the United Kingdom where he shall so receive or have such Property, in the same Manner as if it had been originally stolen or taken in that Part.

Stealers of Property in one Part of the United Kingdom who have the same in any other Part of the United Kingdom may be tried and punished in that Part of the United Kingdom where they have the Property.

**115.** All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of *England* or *Ireland* shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in *England* or *Ireland*, and may be dealt with, inquired of, tried, and determined in any County or Place in which the Offender shall be apprehended or be in Custody; and in any Indictment for any such Offence or for being an Accessory to any such Offence the Venue in the Margin shall be the same as if the Offence had been committed in such County or Place, and the Offence itself shall be averred to have been committed "on the High Seas;" provided, that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

Offences committed within the Jurisdiction of the Admiralty.

**116.** In any Indictment for any Offence punishable under this Act, and committed after a previous Conviction or Convictions for any Felony, Misdemeanor, or Offence or Offences punishable upon Summary Conviction, it shall be sufficient, after charging the subsequent Offence, to state that the Offender was at a certain Time and Place or at certain Times and Places convicted of Felony, or of an indictable Misdemeanor, or of an Offence or Offences punishable upon Summary Conviction, (as the Case may be,) without otherwise describing the previous Felony, Misdemeanor, Offence or Offences; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony or Misdemeanor, or a Copy of any

Form of Indictment for a subsequent Offence.

any such Summary Conviction, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or to which such Summary Conviction shall have been returned, or by the Deputy of such Clerk or Officer, (for which Certificate or Copy a Fee of Five Shillings and no more shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of such Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and the Proceedings upon any Indictment for committing any Offence after a previous Conviction or Convictions shall be as follows; (that is to say,) the Offender shall, in the first instance, be arraigned upon so much only of the Indictment as charges the subsequent Offence, and if he plead Not Guilty, or if the Court order a Plea of Not Guilty to be entered on his Behalf, the Jury shall be charged, in the first instance, to inquire concerning such subsequent Offence only; and if they find him Guilty, or if on Arraignment he plead Guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the Indictment, and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of Malice, or will not answer directly to such Question, the Jury shall then be charged to inquire concerning such previous Conviction or Convictions, and in such Case it shall not be necessary to swear the Jury again, but the Oath already taken by them shall for all Purposes be deemed to extend to such last-mentioned Inquiry: Provided, that if upon the Trial of any Person for any such subsequent Offence such Person shall give Evidence of his good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Conviction of such Person for the previous Offence or Offences before such Verdict of Guilty shall be returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

When the previous Conviction is to be proved on the Trial.

Fine, and Sureties for keeping the Peace; in what Cases.

**117.** Whenever any Person shall be convicted of any indictable Misdemeanor punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, fine the Offender, and require him to enter into his own Recognizances and to find Sureties, both or either, for keeping the Peace and being of good Behaviour; and in case of any Felony punishable under this Act the Court may, if it shall think fit, require the Offender to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace, in addition to

to any Punishment by this Act authorized: Provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

**118.** Whenever Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction. Hard Labour.

**119.** Whenever Solitary Confinement may be awarded for any indictable Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year; and whenever Whipping may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be once privately whipped, and the Number of Strokes and the Instrument with which they shall be inflicted shall be specified by the Court in the Sentence Solitary Confinement and Whipping.

**120.** Every Offence hereby made punishable on Summary Conviction may be prosecuted in *England* in the Manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Forty-three, so far as no Provision is hereby made for any Matter or Thing which may be required to be done in the course of such Prosecution, and may be prosecuted in *Ireland* before Two or more Justices of the Peace, or One Metropolitan or Stipendiary Magistrate, in the Manner directed by the Act of the Session holden in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed by any Act that may be passed for like Purposes; and all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if they were incorporated in this Act: Provided, that nothing in this Act contained shall in any Manner alter or affect any Enactment relating to Procedure in the Case of any Offence punishable on summary Conviction within the City of *London* or the Metropolitan Police District, or the Recovery or Application of any Penalty or Forfeiture for any such Offence. Summary Proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93; except in London and the Metropolitan Police District.

**121.** The Court before which any indictable Misdemeanor against this Act shall be prosecuted or tried may allow the Costs of the Prosecution in the same Manner as in Cases of Felony; and every Order for the Payment of such Costs shall be made out, and The Costs of the Prosecution of Misdemeanors against this Act may be allowed.

and the Sum of Money mentioned therein paid and repaid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Act not to extend to Scotland.

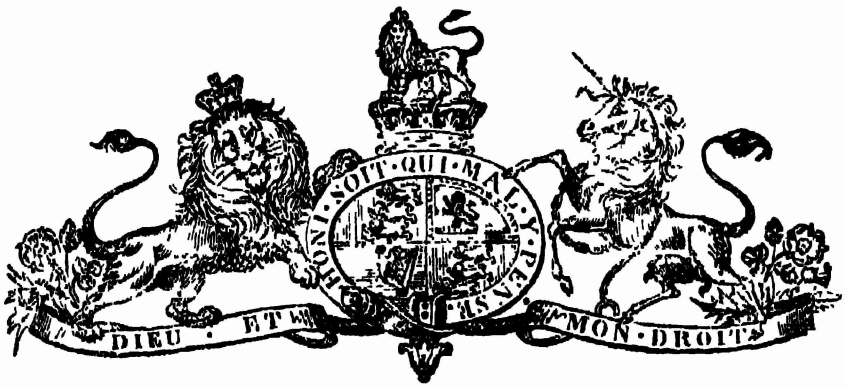
**122.** Nothing in this Act contained shall extend to *Scotland*, except as herein-before otherwise expressly provided.

Commencement of Act.

**123.** This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

or shall utter any Document or Instrument whatsoever, having thereon or affixed thereto the Stamp or Impression of any such forged or counterfeited Seal, knowing the same to be the Stamp or Impression of such forged or counterfeited Seal, or any forged or counterfeited Stamp or Impression made or apparently intended to resemble the Stamp or Impression of any of the Seals aforesaid, knowing the same to be forged or counterfeited, or shall forge or alter, or utter knowing the same to be forged or altered, any Document or Instrument having any of the said Stamps or Impressions thereon or affixed thereto, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging Transfers of Stock, &c.:—

Forging Transfer of certain Stock, and Power of Attorney relating thereto.

2. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Transfer of any Share or Interest of or in any Stock, Annuity, or other Public Fund which now is or hereafter may be transferable at the Bank of *England* or at the Bank of *Ireland*, or of or in the Capital Stock of any Body Corporate, Company, or Society which now is or hereafter may be established by Charter, or by, under, or by virtue of any Act of Parliament, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Power of Attorney or other Authority to transfer any Share or Interest of or in any such Stock, Annuity, Public Fund, or Capital Stock, or to receive any Dividend or Money payable in respect of any such Share or Interest, or shall demand or endeavour to have any such Share or Interest transferred, or to receive any Dividend or Money payable in respect thereof, by virtue of any such forged or altered Power of Attorney or other Authority, knowing the same to be forged or altered, with Intent in any of the Cases aforesaid to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Personating the Owner of certain

3. Whosoever shall falsely and deceitfully personate any Owner of any Share or Interest of or in any Stock, Annuity, or other Public Fund

Fund which now is or hereafter may be transferable at the Bank of *England*, or at the Bank of *Ireland*, or any Owner of any Share or Interest of or in the Capital Stock of any Body Corporate, Company, or Society which now is or hereafter may be established by Charter, or by, under, or by virtue of any Act of Parliament, or any Owner of any Dividend or Money payable in respect of any such Share or Interest as aforesaid, and shall thereby transfer or endeavour to transfer any Share or Interest belonging to any such Owner, or thereby receive or endeavour to receive any Money due to any such Owner, as if such Offender were the true and lawful Owner, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Stock, and transferring or receiving or endeavouring to transfer or receive the Dividends.

4. Whosoever shall forge any Name, Handwriting, or Signature purporting to be the Name, Handwriting, or Signature of a Witness attesting the Execution of any Power of Attorney or other Authority to transfer any Share or Interest of or in any such Stock, Annuity, Public Fund, or Capital Stock as is in either of the last Two preceding Sections mentioned, or to receive any Dividend or Money payable in respect of any such Share or Interest, or shall offer, utter, dispose of, or put off any such Power of Attorney or other Authority, with any such forged Name, Handwriting, or Signature thereon, knowing the same to be forged, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging Attestation to Power of Attorney for Transfer of Stock, &c.

5. Whosoever shall wilfully make any false Entry in, or wilfully alter any Word or Figure in, any of the Books of Account kept by the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, in which Books the Accounts of the Owners of any Stock, Annuities, or other Public Funds which now are or hereafter may be transferable at the Bank of *England* or at the Bank of *Ireland* shall be entered and kept, or shall in any Manner wilfully falsify any of the Accounts of any of such Owners in any of the said Books, with Intent in any of the Cases aforesaid to defraud, or shall wilfully make any Transfer of any Share or Interest of or in any Stock, Annuity, or other Public Fund which now is or hereafter may be transferable at the Bank of *England* or at the Bank of *Ireland*, in the Name of any Person not being the true

Making false Entries in the Books of the Public Funds.

true and lawful Owner of such Share or Interest, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Clerks of the Bank making out false Dividend Warrants.

6. Whosoever, being a Clerk, Officer, or Servant of or other Person employed or intrusted by the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, shall knowingly make out or deliver any Dividend Warrant, or Warrant for Payment of any Annuity, Interest, or Money payable at the Bank of *England* or *Ireland*, for a greater or less Amount than the Person on whose Behalf such Warrant shall be made out is entitled to, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging an East India Bond.

As to forging *India* Bonds:—

7. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Bond commonly called an *East India* Bond, or any Bond, Debenture, or Security issued or made under the Authority of any Act passed or to be passed relating to the *East Indies*, or any Indorsement on or Assignment of any such Bond, Debenture, or Security, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging Exchequer Bills, Bonds, and Debentures, &c.

As to forging Exchequer Bills, &c.:—

8. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer Bill or Exchequer Bond or Exchequer Debenture, or any Indorsement on or Assignment of any Exchequer Bill or Exchequer Bond or Exchequer Debenture, or any Receipt or Certificate for Interest accruing thereon, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude

Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years with or without Hard Labour, and with or without Solitary Confinement.

**Making Plates, &c. in imitation of those used for Exchequer Bills, &c.**

**9.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall make or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his Custody or Possession, any Frame, Mould, or Instrument having therein any Words, Letters, Figures, Marks, Lines, or Devices peculiar to and appearing in the Substance of any Paper provided or to be provided or used for Exchequer Bills or Exchequer Bonds or Exchequer Debentures, or any Machinery for working any Threads into the Substance of any Paper, or any such Thread, and intended to imitate such Words, Letters, Figures, Marks, Lines, Threads, or Devices, or any Plate peculiarly employed for printing such Exchequer Bills, Bonds, or Debentures, or any Die or Seal peculiarly used for preparing any such Plate, or for sealing such Exchequer Bills, Bonds, or Debentures, or any Plate, Die, or Seal intended to imitate any such Plate, Die, or Seal as aforesaid, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**Making Paper in imitation of that used for Exchequer Bills, &c.**

**10.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall make, or cause or procure to be made, or aid or assist in making, any Paper in the Substance of which shall appear any Words, Letters, Figures, Marks, Lines, Threads, or other Devices peculiar to and appearing in the Substance of any Paper provided or to be provided or used for such Exchequer Bills, Bonds, or Debentures, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, or shall knowingly have in his Custody or Possession any Paper whatsoever, in the Substance whereof shall appear any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Parts of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, or shall cause or assist in causing any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, to appear in the Substance of any Paper whatever, or shall take or assist in taking any Impression of any such Plate,

Die, or Seal as in the last preceding Section mentioned, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years, —or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Having in possession Paper, Plates, or Dies to be used for Exchequer Bills, &c.

**11.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall purchase or receive, or knowingly have in his Custody or Possession, any Paper manufactured and provided by or under the Directions of the Commissioners of Inland Revenue or Commissioners of Her Majesty's Treasury, for the Purpose of being used as Exchequer Bills or Exchequer Bonds or Exchequer Debentures, before such Paper shall have been duly stamped, signed, and issued for Public Use, or any such Plate, Die, or Seal as in the last Two preceding Sections mentioned, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour.

As to forging Bank Notes:—

Forging a Bank Note, &c.

**12.** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Note or Bill of Exchange of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, or of any other Body Corporate, Company, or Person carrying on the Business of Bankers, commonly called a Bank Note, a Bank Bill of Exchange, or a Bank Post Bill, or any Indorsement on or Assignment of any Bank Note, Bank Bill of Exchange, or Bank Post Bill, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour. and with or without Solitary Confinement.

Purchasing or receiving or having forged Bank Notes.

**13.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall purchase or receive from any other Person, or have in his Custody or Possession, any forged Bank Note, Bank Bill of Exchange, or Bank Post Bill, or blank Bank Note, blank Bank Bill of Exchange, or blank Bank Post Bill, knowing the same to be forged, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

As

*Forgery.*

As to making and engraving Plates, &c. for Bank Notes, &c.:—

**14.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall make or use, or knowingly have in his Custody or Possession, any Frame, Mould, or Instrument for the making of Paper with the Words "Bank of *England*" or "Bank of *Ireland*," or any Part of such Words intended to resemble and pass for the same, visible in the Substance of the Paper, or for the making of Paper with curved or waving Bar Lines, or with the laying Wire Lines thereof in a waving or curved Shape, or with any Number, Sum, or Amount expressed in a Word or Words in Roman Letters, visible in the Substance of the Paper, or with any Device or Distinction peculiar to and appearing in the Substance of the Paper used by the Governor and Company of the Banks of *England* and *Ireland* respectively for any Notes, Bills of Exchange, or Bank Post Bills of such Banks respectively, or shall make, use, sell, expose to Sale, utter, or dispose of, or knowingly have in his Custody or Possession, any Paper whatsoever with the Words "Bank of *England*" or "Bank of *Ireland*," or any Part of such Words intended to resemble and pass for the same, visible in the Substance of the Paper, or any Paper with curved or waving Bar Lines, or with the laying Wire Lines thereof in a waving or curved Shape, or with any Number, Sum, or Amount expressed in a Word or Words in Roman Letters, appearing visible in the Substance of the Paper, or with any Device or Distinction peculiar to and appearing in the Substance of the Paper used by the Governor and Company of the Banks of *England* and *Ireland* respectively for any Notes, Bills of Exchange, or Bank Post Bills of such Banks respectively, or shall by any Art or Contrivance cause the Words "Bank of *England*" or "Bank of *Ireland*," or any Part of such Words intended to resemble and pass for the same, or any Device or Distinction peculiar to and appearing in the Substance of the Paper used by the Governor and Company of the Banks of *England* and *Ireland* respectively for any Notes, Bills of Exchange, or Bank Post Bills of such Banks respectively, to appear visible in the Substance of any Paper, or shall cause the numerical Sum or Amount of any Bank Note, Bank Bill of Exchange, or Bank Post Bill, blank Bank Note, blank Bank Bill of Exchange, or blank Bank Post Bill, in a Word or Words in Roman Letters, to appear visible in the Substance of the Paper whereon the same shall be written or printed, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Making or having Mould for making Paper with the Words "Bank of England," or "Bank of Ireland," or with curved Bar Lines, &c., or selling such Paper.

**15.** Nothing

Proviso as to Paper used for Bills of Exchange, &c.

**15.** Nothing in the last preceding Section contained shall prevent any Person from issuing any Bill of Exchange or Promissory Note having the Amount thereof expressed in Guineas, or in a numerical Figure or Figures denoting the Amount thereof in Pounds Sterling, appearing visible in the Substance of the Paper upon which the same shall be written or printed, nor shall prevent any Person from making, using, or selling any Paper having waving or curved Lines or any other Devices in the Nature of Watermarks visible in the Substance of the Paper, not being Bar Lines or laying Wire Lines, provided the same are not so contrived as to form the Groundwork or Texture of the Paper, or to resemble the waving or curved laying Wire Lines or Bar Lines or the Watermarks of the Paper used by the Governor and Company of the Banks of *England* and *Ireland* respectively.

Engraving or having any Plate, &c. for making Notes of Bank of England or Ireland, or other Banks, or having such Plate, &c., or uttering or having Paper upon which a blank Bank Note, &c. shall be printed.

**16.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall engrave or in anywise make upon any Plate whatsoever, or upon any Wood, Stone, or other Material, any Promissory Note, Bill of Exchange, or Bank Post Bill, or Part of a Promissory Note, Bill of Exchange, or Bank Post Bill, purporting to be a Bank Note, Bank Bill of Exchange, or Bank Post Bill of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, or of any other Body Corporate, Company, or Person carrying on the Business of Bankers, or to be a blank Bank Note, blank Promissory Note, blank Bank Bill of Exchange, or blank Bank Post Bill of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, or of any such other Body Corporate, Company, or Person as aforesaid, or to be a Part of a Bank Note, Promissory Note, Bank Bill of Exchange, or Bank Post Bill of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, or of any such other Body Corporate, Company, or Person as aforesaid, or any Name, Word, or Character resembling or apparently intended to resemble any Subscription to any Bill of Exchange or Promissory Note issued by the Governor and Company of the Bank of *England* or the Governor and Company of the Bank of *Ireland*, or by any such other Body Corporate, Company, or Person as aforesaid, or shall use any such Plate, Wood, Stone, or other Material, or any other Instrument or Device, for the making or printing any Bank Note, Bank Bill of Exchange, or Bank Post Bill, or blank Bank Note, blank Bank Bill of Exchange, or blank Bank Post Bill, or Part of a Bank Note, Bank Bill of Exchange, or Bank Post Bill, or knowingly have in his Custody or Possession any such Plate, Wood, Stone, or other Material, or any such Instrument or Device, or shall knowingly offer, utter, dispose of, or put off, or have in his Custody or Possession, any Paper upon which

which any blank Bank Note, blank Bank Bill of Exchange, or blank Bank Post Bill of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, or of any such other Body Corporate, Company, or Person as aforesaid, or Part of a Bank Note, Bank Bill of Exchange, or Bank Post Bill, or any Name, Word, or Character resembling or apparently intended to resemble any such Subscription, shall be made or printed, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Engraving on a Plate, &c. any Word, Number, or Device resembling Part of a Bank Note or Bill, or using or having any such Plate, &c., or uttering or having any Paper on which any such Word, &c. is impressed.

17. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall engrave or in anywise make upon any Plate whatsoever, or upon any Wood, Stone, or other Material, any Word, Number, Figure, Device, Character, or Ornament the Impression taken from which shall resemble or apparently be intended to resemble any Part of a Bank Note, Bank Bill of Exchange, or Bank Post Bill of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, or of any other Body Corporate, Company, or Person carrying on the Business of Bankers, or shall use, or knowingly have in his Custody or Possession, any such Plate, Wood, Stone, or other Material, or any other Instrument or Device for the impressing or making upon any Paper or other Material any Word, Number, Figure, Character, or Ornament which shall resemble or apparently be intended to resemble any Part of a Bank Note, Bank Bill of Exchange, or Bank Post Bill of the Governor and Company of the Bank of *England* or of the Governor and Company of the Bank of *Ireland*, or of any such other Body Corporate, Company, or Person as aforesaid, or shall knowingly offer, utter, dispose of, or put off, or have in his Custody or Possession, any Paper or other Material upon which there shall be an Impression of any such Matter as aforesaid, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Making or having Mould for making Paper with

18. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall make or use any Frame, Mould, or Instrument for the Manufacture of Paper, with

the Name of any Banker, or making or having such Paper.

with the Name or Firm of any Body Corporate, Company, or Person carrying on the Business of Bankers (other than and except the Banks of *England* and *Ireland* respectively), appearing visible in the Substance of the Paper, or knowingly have in his Custody or Possession any such Frame, Mould, or Instrument, or make, use, sell, expose to Sale, utter, or dispose of, or knowingly have in his Custody or Possession, any Paper in the Substance of which the Name or Firm of any such Body Corporate, Company, or Person shall appear visible, or by any Art or Contrivance cause the Name or Firm of any such Body Corporate, Company, or Person to appear visible in the Substance of the Paper upon which the same shall be written or printed, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Engraving Plates for Foreign Bills or Notes, or using or having such Plates, or uttering Paper on which any Part of any such Bill or Note is printed.

**19.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall engrave or in anywise make upon any Plate whatsoever, or upon any Wood, Stone, or other Material, any Bill of Exchange, Promissory Note, Undertaking, or Order for Payment of Money, or any Part of any Bill of Exchange, Promissory Note, Undertaking, or Order for Payment of Money, in whatsoever Language the same may be expressed, and whether the same shall or shall not be or be intended to be under Seal, purporting to be the Bill, Note, Undertaking, or Order, or Part of the Bill, Note, Undertaking, or Order of any Foreign Prince or State, or of any Minister or Officer in the Service of any Foreign Prince or State, or of any Body Corporate or Body of the like Nature, constituted or recognized by any Foreign Prince or State, or of any Person or Company of Persons, resident in any Country not under the Dominion of Her Majesty, or shall use, or knowingly have in his Custody or Possession, any Plate, Stone, Wood, or other Material upon which any such Foreign Bill, Note, Undertaking, or Order, or any Part thereof, shall be engraved or made, or shall knowingly offer, utter, dispose of, or put off, or have in his Custody or Possession, any Paper upon which any Part of any such Foreign Bill, Note, Undertaking, or Order shall be made or printed, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As

*Forgery.*

As to forging Deeds, Wills, Bills of Exchange, &c.:—

**20.** Whosoever, with Intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Deed, or any Bond or Writing Obligatory, or any Assignment at Law or in Equity of any such Bond or Writing Obligatory, or shall forge any Name, Handwriting, or Signature purporting to be the Name, Handwriting, or Signature of a Witness attesting the Execution of any Deed, Bond, or Writing Obligatory, or shall offer, utter, dispose of, or put off any Deed, Bond, or Writing obligatory having thereon any such forged Name, Handwriting, or Signature, knowing the same to be forged, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Forging Deeds, Bonds, &c.

**21.** Whosoever, with Intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Will, Testament, Codicil, or Testamentary Instrument, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Forging Wills.

**22.** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Bill of Exchange, or any Acceptance, Indorsement, or Assignment of any Bill of Exchange, or any Promissory Note for the Payment of Money, or any Indorsement or Assignment of any such Promissory Note, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Forging Bills of Exchange or Promissory Notes.

**23.** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Undertaking, Warrant, Order, Authority, or Request for the Payment of Money, or for the Delivery or Transfer of any Goods or Chattels, or of any Note, Bill, or other Security for the Payment of Money, or for procuring or giving Credit, or any Indorsement on or Assignment of any such Undertaking, Warrant, Order, Authority, or Request, or any accountable Receipt, Acquittance, or Receipt for Money Forging Orders, Receipts, &c. for Money, Goods, &c.

Money or for Goods, or for any Note, Bill, or other Security for the Payment of Money, or any Indorsement on or Assignment of any such accountable Receipt, with Intent, in any of the Cases aforesaid, to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Any Person making or accepting any Bill, Note, &c. by Procuration, without lawful Authority, or uttering any such Bill, Note, &c. so made or accepted, with Intent to defraud, to be guilty of Felony.

**24.** Whosoever, with Intent to defraud, shall draw, make, sign, accept, or indorse any Bill of Exchange or Promissory Note, or any Undertaking, Warrant, Order, Authority, or Request, for the Payment of Money, or for the Delivery or Transfer of Goods or Chattels, or of any Bill, Note, or other Security for Money, by Procuration or otherwise, for, in the Name, or on the Account of any other Person, without lawful Authority or Excuse, or shall offer, utter, dispose of, or put off any such Bill, Note, Undertaking, Warrant, Order, Authority, or Request so drawn, made, signed, accepted, or indorsed by Procuration or otherwise, without lawful Authority or Excuse, as aforesaid, knowing the same to have been so drawn, made, signed, accepted, or indorsed as aforesaid, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Obliterating Crossings on Cheques.

**25.** Whenever any Cheque or Draft on any Banker shall be crossed with the Name of a Banker, or with Two transverse Lines with the Words "and Company," or any Abbreviation thereof, whosoever shall obliterate, add to, or alter any such Crossing, or shall offer, utter, dispose of, or put off any Cheque or Draft whereon any such Obliteration, Addition, or Alteration has been made, knowing the same to have been made, with Intent, in any of the Cases aforesaid, to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging Debentures.

**26.** Whosoever shall fraudulently forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any Debenture issued under any lawful Authority whatsoever, either within Her Majesty's Dominions or elsewhere, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion

tion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging Records, Process, Instruments of Evidence, &c.:—

**Forging Proceedings of Courts of Record or Courts of Equity.**

**27.** Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any Record, Writ, Return, Panel, Process, Rule, Order, Warrant, Interrogatory, Deposition, Affidavit, Affirmation, Recognizance, Cognovit actionem, or Warrant of Attorney, or any original Document whatsoever of or belonging to any Court of Record, or any Bill, Petition, Process, Notice, Rule, Answer, Pleading, Interrogatory, Deposition, Affidavit, Affirmation, Report, Order, or Decree, or any original Document whatsoever of or belonging to any Court of Equity or Court of Admiralty in *England* or *Ireland*, or any Document or Writing, or any Copy of any Document or Writing, used or intended to be used as Evidence in any Court in this Section mentioned, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**Forging Copies or Certificates of Records, Process of Courts not of Record, and using forged Process.**

**28.** Whosoever, being the Clerk of any Court, or other Officer having the Custody of the Records of any Court, or being the Deputy of any such Clerk or Officer, shall utter any false Copy or Certificate of any Record, knowing the same to be false; and whosoever, other than such Clerk, Officer, or Deputy, shall sign or certify any Copy or Certificate of any Record as such Clerk, Officer, or Deputy; and whosoever shall forge or fraudulently alter, or offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any Copy or Certificate of any Record, or shall offer, utter, dispose of, or put off any Copy or Certificate of any Record having thereon any false or forged Name, Handwriting, or Signature, knowing the same to be false or forged; and whosoever shall forge the Seal of any Court of Record, or shall forge or fraudulently alter any Process of any Court other than such Courts as in the last preceding Section mentioned, or shall serve or enforce any forged Process of any Court whatsoever, knowing the same to be forged, or shall deliver or cause to be delivered to any Person any Paper falsely purporting to be any such Process, or a Copy thereof, or to be any Judgment, Decree, or Order of any Court of Law or Equity, or a Copy thereof, knowing the same to be false, or shall act or profess to act under any such false Process, knowing

knowing the same to be false, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging Instruments made Evidence by any Act of Parliament.

**29.** Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any Instrument, whether written or printed, or partly written and partly printed, which is or shall be made Evidence by any Act passed or to be passed, and for which Offence no Punishment is herein provided, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging Court Rolls:—

Forging Court Rolls.

**30.** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Court Roll or Copy of any Court Roll, relating to any Copyhold or Customary Estate, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging Registers of Deeds:—

Forgery as to the Registry of Deeds.

**31.** Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any Memorial, Affidavit, Affirmation, Entry, Certificate, Indorsement, Document, or Writing, made or issued under the Provisions of any Act passed or hereafter to be passed for or relating to the Registry of Deeds, or shall forge or counterfeit the Seal of or belonging to any Office for the Registry of Deeds, or any Stamp or Impression of any such Seal; or shall forge any Name, Handwriting, or Signature purporting to be the Name, Handwriting, or Signature of any Person to any such Memorial, Affidavit, Affirmation, Entry, Certificate, Indorsement, Document, or Writing which shall be required or directed to be signed by or by virtue of any Act passed or to be passed, or shall offer, utter, dispose of, or put off any such Memorial or other Writing as in this Section before mentioned, having thereon any such forged Stamp or Impression of any such Seal, or any such forged Name, Handwriting, or Signature, knowing

knowing the same to be forged, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging Orders, &c. of Justices of the Peace :—

**32.** Whosoever, with Intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Summons, Conviction, Order, or Warrant of any Justice of the Peace, or any Recognizance purporting to have been entered into before any Justice of the Peace, or other Officer authorized to take the same, or any Examination, Deposition, Affidavit, Affirmation, or solemn Declaration, taken or made before any Justice of the Peace, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging Orders of Justices, Recognizances, Affidavits, &c.

As to forging the Name of the Accountant General, &c. :—

**33.** Whosoever, with Intent to defraud, shall forge or alter any Certificate, Report, Entry, Indorsement, Declaration of Trust, Note, Direction, Authority, Instrument, or Writing made or purporting or appearing to be made by the Accountant General, or any other Officer of the Court of Chancery in *England* or *Ireland*, or by any Judge or Officer of the Landed Estates Court in *Ireland*, or by any Officer of any Court in *England* or *Ireland*, or by any Cashier or other Officer or Clerk of the Governor and Company of the Bank of *England* or *Ireland*, or the Name, Handwriting, or Signature of any such Accountant General, Judge, Cashier, Officer, or Clerk as aforesaid, or shall offer, utter, dispose of, or put off any such Certificate, Report, Entry, Indorsement, Declaration of Trust, Note, Direction, Authority, Instrument, or Writing, knowing the same to be forged or altered, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging Name of Accountant General, &c. of Court of Chancery in England or Ireland, or of any Judge of the Landed Estates Court in Ireland.

As to falsely acknowledging Recognizances, &c. :—

**34.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall, in the Name of any other

Acknowledging Recognizance,

Bail, Cognovit, &c. in the Name of another.

other Person, acknowledge any Recognizance or Bail, or any Cognovit actionem, or Judgment, or any Deed or other Instrument, before any Court, Judge, or other Person lawfully authorized in that Behalf, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging Marriage Licences:—

Forging or uttering Marriage Licence or Certificate.

**35.** Whosoever shall forge or fraudulently alter any Licence of or Certificate for Marriage, or shall offer, utter, dispose of, or put off any such Licence or Certificate, knowing the same to be forged or fraudulently altered, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging Registers of Births, Marriages, and Deaths:—

Forging Registers of Births, Baptisms, Marriages, Deaths, or Burials.

**36.** Whosoever shall unlawfully destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any Register of Births, Baptisms, Marriages, Deaths, or Burials which now is or hereafter shall be by Law authorized or required to be kept in *England* or *Ireland*, or any Part of any such Register, or any certified Copy of any such Register, or any Part thereof, or shall forge or fraudulently alter in any such Register any Entry relating to any Birth, Baptism, Marriage, Death, or Burial, or any Part of any such Register, or any certified Copy of such Register, or of any Part thereof, or shall knowingly and unlawfully insert or cause or permit to be inserted in any such Register, or in any certified Copy thereof, any false Entry of any Matter relating to any Birth, Baptism, Marriage, Death, or Burial, or shall knowingly and unlawfully give any false Certificate relating to any Birth, Baptism, Marriage, Death, or Burial, or shall certify any Writing to be a Copy or Extract from any such Register, knowing such Writing, or the Part of such Register whereof such Copy or Extract shall be so given, to be false in any material Particular, or shall forge or counterfeit the Seal of or belonging to any Register Office or Burial Board, or shall offer, utter, dispose of, or put off any such Register, Entry, certified Copy, Certificate, or Seal, knowing the same to be false, forged, or altered, or shall offer, utter, dispose of, or put

put off any Copy of any Entry in any such Register, knowing such Entry to be false, forged, or altered, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Making false Entries in Copies of Register sent to Registrar.

**37.** Whosoever shall knowingly and wilfully insert or cause or permit to be inserted in any Copy of any Register directed or required by Law to be transmitted to any Registrar or other Officer any false Entry of any Matter relating to any Baptism, Marriage, or Burial, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Copy of any Register so directed or required to be transmitted as aforesaid, or shall knowingly and wilfully sign or verify any Copy of any Register so directed or required to be transmitted as aforesaid, which Copy shall be false in any Part thereof, knowing the same to be false, or shall unlawfully destroy, deface, or injure, or shall for any fraudulent Purpose take from its Place of Deposit, or conceal, any such Copy of any Register, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to demanding Property upon forged Instruments:—

Demanding Property upon forged Instruments.

**38.** Whosoever, with Intent to defraud, shall demand, receive, or obtain, or cause or procure to be delivered or paid to any Person, or endeavour to receive or obtain, or to cause or procure to be delivered or paid to any Person, any Chattel, Money, Security for Money, or other Property whatsoever, under, upon, or by virtue of any forged or altered Instrument whatsoever, knowing the same to be forged or altered, or under, upon, or by virtue of any Probate or Letters of Administration, knowing the Will, Testament, Codicil, or Testamentary Writing on which such Probate or Letters of Administration shall have been obtained to have been forged or altered, or knowing such Probate or Letters of Administration to have been obtained by any false Oath, Affirmation, or Affidavit, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to other Matters:—

Forging any Instrument, however designated, which is in Law a Will, Bill of Exchange, &c.

**39.** Where by this or by any other Act any Person is or shall hereafter be made liable to Punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any Instrument or Writing designated in such Act by any special Name or Description, and such Instrument or Writing, however designated, shall be in Law a Will, Testament, Codicil, or Testamentary Writing, or a Deed, Bond, or Writing Obligatory, or a Bill of Exchange, or a Promissory Note for the Payment of Money, or an Indorsement on or Assignment of a Bill of Exchange or Promissory Note for the Payment of Money, or an Acceptance of a Bill of Exchange, or an Undertaking, Warrant, Order, Authority, or Request for the Payment of Money, or an Indorsement on or Assignment of an Undertaking, Warrant, Order, Authority, or Request for the Payment of Money, within the true Intent and Meaning of this Act, in every such Case the Person forging or altering such Instrument or Writing, or offering, uttering, disposing of, or putting off such Instrument or Writing, knowing the same to be forged or altered, may be indicted as an Offender against this Act, and punished accordingly.

Forging, &c. in England or Ireland Documents purporting to be made, or actually made, out of England and Ireland, forging, &c. in England or Ireland Bills of Exchange, &c. purporting to be payable out of England or Ireland.

**40.** Where the forging or altering any Writing or Matter whatsoever, or the offering, uttering, disposing of, or putting off any Writing or Matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an Offence, if any Person shall, in *England* or *Ireland*, forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such Writing or Matter in whatsoever Place or Country out of *England* and *Ireland*, whether under the Dominion of Her Majesty or not, such Writing or Matter may purport to be made or may have been made, and in whatever Language the same or any Part thereof may be expressed, every such Person, and every Person aiding, abetting, or counselling such Person, shall be deemed to be an Offender within the Meaning of this Act, and shall be punishable thereby in the same Manner as if the Writing or Matter had purported to be made or had been made in *England* or *Ireland*; and if any Person shall in *England* or *Ireland* forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Bill of Exchange, or any Promissory Note for the Payment of Money, or any Indorsement on or Assignment of any Bill of Exchange or Promissory Note for the Payment of Money, or any Acceptance of any Bill of Exchange, or any Undertaking, Warrant, Order, Authority, or Request for the Payment of Money, or for the Delivery or Transfer of any Goods or Security, or any Deed, Bond, or Writing Obligatory for the Payment of Money (whether such Deed, Bond, or Writing Obligatory shall

shall be made only for the Payment of Money, or for the Payment of Money together with some other Purpose), or any Indorsement on or Assignment of any such Undertaking, Warrant, Order, Authority, Request, Deed, Bond, or Writing Obligatory, in whatsoever Place or Country out of *England* and *Ireland*, whether under the Dominion of Her Majesty or not, the Money payable or secured by such Bill, Note, Undertaking, Warrant, Order, Authority, Request, Deed, Bond, or Writing Obligatory may be or may purport to be payable, and in whatever Language the same respectively or any Part thereof may be expressed, and whether such Bill, Note, Undertaking, Warrant, Order, Authority, or Request be or be not under Seal, every such Person, and every Person aiding, abetting, or counselling such Person, shall be deemed to be an Offender within the Meaning of this Act, and shall be punishable thereby in the same Manner as if the Money had been payable or had purported to be payable in *England* or *Ireland*.

**Forgers, &c. may be tried in the County where they are apprehended or are in Custody.**

**41.** If any Person shall commit any Offence against this Act, or shall commit any Offence of forging or altering any Matter whatsoever, or of offering, uttering, disposing of, or putting off any Matter whatsoever, knowing the same to be forged or altered, whether the Offence in any such Case shall be indictable at Common Law, or by virtue of any Act passed or to be passed, every such Offender may be dealt with, indicted, tried, and punished, in any County or Place in which he shall be apprehended or be in Custody, in the same Manner in all respects as if his Offence had been actually committed in that County or Place; and every Accessory before or after the Fact to any such Offence, if the same be a Felony, and every Person aiding, abetting, or counselling the Commission of any such Offence, if the same be a Misdemeanor, may be dealt with, indicted, tried, and punished, in any County or Place in which he shall be apprehended or be in Custody, in the same Manner in all respects as if his Offence, and the Offence of his Principal, had been actually committed in such County or Place.

**Description of Instrument in Indictments for Forgery.**

**42.** In any Indictment for forging, altering, offering, uttering, disposing, or putting off any Instrument it shall be sufficient to describe such Instrument by any Name or Designation by which the same may be usually known, or by the Purport thereof, without setting out any Copy or Fac-simile thereof, or otherwise describing the same or the Value thereof.

**Description of Instrument in Indictments**

**43.** In any Indictment for engraving or making the whole or any Part of any Instrument, Matter, or Thing whatsoever, or for using or having the unlawful Custody or Possession of any Plate or

for engraving, &c.

or other Material upon which the whole or any Part of any Instrument, Matter, or Thing whatsoever shall have been engraved or made, or for having the unlawful Custody or Possession of any Paper upon which the whole or any Part of any Instrument, Matter, or Thing whatsoever shall have been made or printed, it shall be sufficient to describe such Instrument, Matter, or Thing by any Name or Designation by which the same may be usually known, without setting out any Copy or Fac-simile of the whole or any Part of such Instrument, Matter, or Thing.

Intent to defraud particular Persons need not be alleged or proved.

**44.** It shall be sufficient, in any Indictment for forging, altering, uttering, offering, disposing of, or putting off any Instrument whatsoever, where it shall be necessary to allege an Intent to defraud, to allege that the Party accused did the Act with Intent to defraud, without alleging an Intent to defraud any particular Person; and on the Trial of any such Offence it shall not be necessary to prove an Intent to defraud any particular Person, but it shall be sufficient to prove that the Party accused did the Act charged with an Intent to defraud.

Interpretation as to criminal Possession.

**45.** Where the having any Matter in the Custody or Possession of any Person is in this Act expressed to be an Offence, if any Person shall have any such Matter in his personal Custody or Possession, or shall knowingly and wilfully have any such Matter in the actual Custody or Possession of any other Person, or shall knowingly and wilfully have any such Matter in any Dwelling House or other Building, Lodging, Apartment, Field, or other Place, open or inclosed, whether belonging to or occupied by himself or not, and whether such Matter shall be so had for his own Use or for the Use or Benefit of another, every such Person shall be deemed and taken to have such Matter in his Custody or Possession within the Meaning of this Act.

Search for Paper or Implements employed in any Forgery, and for forged Instruments.

**46.** If it shall be made to appear, by Information on Oath or Affirmation before a Justice of the Peace, that there is reasonable Cause to believe that any Person has in his Custody or Possession, without lawful Authority or Excuse, any Note or Bill of the Governor and Company of the Bank of *England* or *Ireland*, or of any Body Corporate, Company, or Person carrying on the Business of Bankers, or any Frame, Mould, or Implement for making Paper in imitation of the Paper used for such Notes or Bills, or any such Paper, or any Plate, Wood, Stone, or other Material having thereon any Words, Forms, Devices, or Characters capable of producing or intended to produce the Impression of any such Note or Bill, or any Part thereof, or any Tool, Implement, or Material used or employed

or

or intended to be used or employed in or about any of the Operations aforesaid, or any forged Security, Document, or Instrument whatsoever, or any Machinery, Frame, Mould, Plate, Die, Seal, Paper, or other Matter or Thing used or employed or intended to be used or employed in the Forgery of any Security, Document, or Instrument whatsoever, such Justice may, if he think fit, grant a Warrant to search for the same; and if the same shall be found upon such Search, it shall be lawful to seize and carry the same before some Justice of the County or Place, to be by him disposed of according to Law; and all such Matters and Things so seized as aforesaid shall by Order of the Court where any such Offender shall be tried, or in case there shall be no such Trial then by Order of some Justice of the Peace, be defaced and destroyed or otherwise disposed of as such Court or Justice shall direct.

Other Punishments substituted for those of the 5 Eliz. c. 14., which have been adopted in other Acts.

**47.** Whosoever shall, after the Commencement of this Act, be convicted of any Offence which shall have been subjected by any Act or Acts to the same Pains and Penalties as are imposed by the Act passed in the Fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act against Forgers of false Deeds and Writings*, for any of the Offences first enumerated in the said Act, shall be guilty of Felony, and shall, in lieu of such Pains and Penalties, be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

All Forgeries which were Capital before the 1 W. 4. c. 66., and are not otherwise punishable under this Act, shall be punished with Penal Servitude for Life, &c.

**48.** Where by any Act now in force any Person falsely making, forging, counterfeiting, erasing, or altering any Matter whatsoever, or uttering, publishing, offering, disposing of, putting away, or making use of any Matter whatsoever, knowing the same to have been falsely made, forged, counterfeited, erased, or altered, or any Person demanding or endeavouring to receive or have any Thing, or to do or cause to be done any Act, upon or by virtue of any Matter whatsoever, knowing such Matter to have been falsely made, forged, counterfeited, erased, or altered, would, according to the Provisions contained in any such Act, be guilty of Felony, and would, before the passing of the Act of the First Year of King *William* the Fourth, Chapter Sixty-six, have been liable to suffer Death as a Felon; or where by any Act now in force any Person falsely personating another, or falsely acknowledging any Thing in the Name of another, or falsely representing any other Person than the real Party to be such real Party, or wilfully making a false Entry in any Book, Account, or Document, or in any Manner wilfully falsifying any Part of any Book, Account, or Document, or

 wilfully

wilfully making a Transfer of any Stock, Annuity, or Fund in the Name of any Person not being the Owner thereof, or knowingly taking any false Oath, or knowingly making any false Affidavit or false Affirmation, or demanding or receiving any Money or other Thing by virtue of any Probate or Letters of Administration, knowing the Will on which such Probate shall have been obtained to have been false or forged, or knowing such Probate or Letters of Administration to have been obtained by means of any false Oath or false Affirmation, would, according to the Provisions contained in any such Act, be guilty of Felony, and would before the passing of the said Act of the First Year of King *William* the Fourth have been liable to suffer Death as a Felon; or where by any Act now in force any Person making or using, or knowingly having in his Custody or Possession, any Frame, Mould, or Instrument for the making of Paper, with certain Words visible in the Substance thereof, or any Person making such Paper, or causing certain Words to appear visible in the Substance of any Paper, would, according to the Provisions contained in any such Act, be guilty of Felony, and would before the passing of the said Act of the First Year of King *William* the Fourth have been liable to suffer Death as a Felon; then, and in each of the several Cases aforesaid, if any Person shall after the Commencement of this Act be convicted of any such Felony as is herein-before in this Section mentioned, or of aiding, abetting, counselling, or procuring the Commission thereof, and the same shall not be punishable under any of the other Provisions of this Act, every such Person shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Principals in the Second Degree and Accessories. Abettors in Misdemeanors.

**49.** In the Case of every Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act shall on Conviction be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal Offender.

Offences committed within the

**50.** All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of *England* or *Ireland*

*Ireland* shall be deemed to be Offences of the same Nature and liable to the same Punishments as if they had been committed upon the Land in *England* or *Ireland*, and may be dealt with, inquired of, tried, and determined in any County or Place in *England* or *Ireland* in which the Offender shall be apprehended or be in Custody, in the same Manner in all respects as if they had been actually committed in that County or Place; and in any Indictment for any such Offence, or for being an Accessory to such an Offence, the Venue in the Margin shall be the same as if the Offence had been committed in such County or Place, and the Offence shall be averred to have been committed on "the High Seas;" provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

Jurisdiction of the Admiralty.

**51.** Whenever any Person shall be convicted of a Misdemeanor under this Act it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, to fine the Offender, and to require him to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace and being of good Behaviour; and in all Cases of Felonies in this Act mentioned it shall be lawful for the Court, if it shall think fit, to require the Offender to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace, in addition to any of the Punishments by this Act authorized; provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

Fine and Sureties for keeping the Peace; in what Cases.

**52.** Whenever Imprisonment, with or without Hard Labour, may be awarded for any Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction.

Hard Labour.

**53.** Whenever Solitary Confinement may be awarded for any Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year.

Solitary Confinement.

**54.** The Court before which any indictable Misdemeanor against this Act shall be prosecuted or tried may allow the Costs of the Prosecution in the same Manner as in Cases of Felony; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid and repaid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

The Costs of the Prosecution of Misdemeanor against this Act may be allowed.

**55.** Nothing

*Forgery.*

Act not to extend to Scotland.

**55.** Nothing in this Act contained shall extend to *Scotland*, except as otherwise herein-before expressly provided.

Commencement of Act.

**56.** This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

## CAP. XCIX.

## An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin. [6th *August* 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

Current Gold and Silver Coin.

Copper Coin.

False or counterfeit Coin.

1. In the Interpretation of and for the Purposes of this Act, the Expression "the Queen's current Gold or Silver Coin" shall include any Gold or Silver Coin coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's Dominions, whether within the United Kingdom or otherwise; and the Expression "the Queen's Copper Coin" shall include any Copper Coin and any Coin of Bronze or mixed Metal coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's said Dominions; and the Expression "false or counterfeit Coin resembling "or apparently intended to resemble or pass for any of the Queen's

 "current

"current Gold or Silver Coin" shall include any of the current Coin which shall have been gilt, silvered, washed, coloured, or cased over, or in any Manner altered, so as to resemble or be apparently intended to resemble or pass for any of the Queen's current Coin of a higher Denomination; and the Expression "the Queen's current Coin" shall include any Coin coined in any of Her Majesty's Mints, or lawfully current, by virtue of any Proclamation or otherwise, in any Part of Her Majesty's said Dominions, and whether made of Gold, Silver, Copper, Bronze, or mixed Metal; and where the having any Matter in the Custody or Possession of any Person is mentioned in this Act, it shall include, not only the having of it by himself in his personal Custody or Possession, but also the knowingly and wilfully having it in the actual Custody or Possession of any other Person, and also the knowingly and wilfully having it in any Dwelling House or other Building, Lodging, Apartment, Field, or other Place, open or inclosed, whether belonging to or occupied by himself or not, and whether such Matter shall be so had for his own Use or Benefit or for that of any other Person.

Current Coin.

What shall be Possession.

Counterfeiting the Gold or Silver Coin.

2. Whosoever shall falsely make or counterfeit any Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Colouring counterfeit Coin or any Pieces of Metal with Intent to make them pass for Gold or Silver Coin.

3. Whosoever shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or of Silver, or by any Means whatsoever, wash, case over, or colour any Coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin; or shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or of Silver, or by any Means whatsoever, wash, case over, or colour any Piece of Silver or Copper, or of coarse Gold or coarse Silver, or of any Metal or Mixture of Metals respectively, being of a fit Size and Figure to be coined, and with Intent that the same shall be coined into false and counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin; or shall gild, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold, or by any Means whatsoever, wash, case over, or colour any of the Queen's current Silver Coin, or file or in

Colouring or altering genuine Coin with Intent to make it pass

in any Manner alter such Coin, with Intent to make the same resemble or pass for any of the Queen's current Gold Coin; or shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour or Appearance of Gold or Silver, or by any Means whatsoever, wash, case over, or colour any of the Queen's current Copper Coin, or file or in any Manner alter such Coin, with Intent to make the same resemble or pass for any of the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

for a higher Coin.

4. Whosoever shall impair, diminish, or lighten any of the Queen's current Gold or Silver Coin, with Intent that the Coin so impaired, diminished, or lightened may pass for the Queen's current Gold or Silver Coin, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Impairing the Gold or Silver Coin, with Intent, &c.

5. Whosoever shall unlawfully have in his Custody or Possession any Filings or Clippings, or any Gold or Silver Bullion, or any Gold or Silver in Dust, Solution, or otherwise, which shall have been produced or obtained by impairing, diminishing, or lightening any of the Queen's current Gold or Silver Coin, knowing the same to have been so produced or obtained, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Unlawful Possession of Filings or Clippings of Gold or Silver Coin.

6. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin at or for a lower Rate or Value than the same imports or was apparently intended to

Buying or selling, &c. counterfeit Gold or Silver Coin for lower Value than its Denomination.

to import, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and in any Indictment for any such Offence as in this Section aforesaid it shall be sufficient to allege that the Party accused did buy, sell, receive, pay, or put off, or did offer to buy, sell, receive, pay, or put off, the false or counterfeit Coin at or for a lower Rate or Value than the same imports or was apparently intended to import, without alleging at or for what Rate, Price, or Value the same was bought, sold, received, paid, or put off, or offered to be bought, sold, received, paid, or put off.

**Importing counterfeit Coin from beyond Seas.**

7. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall import or receive into the United Kingdom from beyond the Seas any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**Exporting Counterfeit Coin.**

8. Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall export, or put on board any Ship, Vessel, or Boat for the Purpose of being exported from the United Kingdom, any false or counterfeit Coin, resembling or apparently intended to resemble or pass for any of the Queen's current Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**Uttering counterfeit Gold or Silver Coin.**

9. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to

to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

**Uttering, accompanied by Possession of other counterfeit Coin, or followed by a Second Uttering.**

**10.** Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, and shall, at the Time of such tendering, uttering, or putting off, have in his Custody or Possession, besides the false or counterfeit Coin so tendered, uttered, or put off, any other Piece of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, or shall, either on the Day of such tendering, uttering, or putting off, or within the Space of Ten Days then next ensuing, tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**Having Three or more Pieces of counterfeit Gold or Silver Coin in possession, &c. with Intent, &c.**

**11.** Whosoever shall have in his Custody or Possession Three or more Pieces of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, and with Intent to utter or put off the same or any of them, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**Every Second Offence of uttering, &c. after a previous Conviction shall be Felony.**

**12.** Whosoever, having been convicted, either before or after the passing of this Act, of any such Misdemeanor or Crime and Offence as in any of the last Three preceding Sections mentioned, or of any Felony or high Crime and Offence against this or any former Act relating to the Coin, shall afterwards commit any of the Misdemeanors or Crimes and Offences in any of the said Sections mentioned, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.



**13.** Who-

Uttering Foreign Coin, Medals, &c. as current Coin, with Intent to defraud.

**13.** Whosoever shall, with Intent to defraud, tender, utter, or put off as or for any of the Queen's current Gold or Silver Coin, any Coin not being such current Gold or Silver Coin, or any Medal or Piece of Metal or mixed Metals, resembling in Size, Figure, and Colour the current Coin as or for which the same shall be so tendered, uttered, or put off, such Coin, Medal, or Piece of Metal or mixed Metals so tendered, uttered, or put off being of less Value than the current Coin as or for which the same shall be so tendered, uttered, or put off, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

Counterfeiting, &c. Copper Coin.

**14.** Whosoever shall falsely make or counterfeit any Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin; and whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his Custody or Possession, any Instrument, Tool, or Engine adapted and intended for the counterfeiting any of the Queen's current Copper Coin; or shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, at or for a lower Rate or Value than the same imports or was apparently intended to import, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Uttering base Copper Coin.

**15.** Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, knowing the same to be false or counterfeit, or shall have in his Custody or Possession Three or more Pieces of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, knowing the same to be false or counterfeit, and with Intent to utter or put off the same or any of them, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding

exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

**Defacing the Coin by stamping Words thereon.**

**16.** Whosoever shall deface any of the Queen's current Gold, Silver, or Copper Coin, by stamping thereon any Names or Words, whether such Coin shall or shall not be thereby diminished or lightened, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour.

**Tender of Coin so defaced not to be a legal Tender, and Penalty for uttering the same.**

**17.** No Tender of Payment in Money made in any Gold, Silver, or Copper Coin so defaced by stamping as in the last preceding Section mentioned shall be allowed to be a legal Tender; and whosoever shall tender, utter, or put off any Coin so defaced shall, on Conviction thereof before Two Justices, be liable to forfeit and pay any Sum not exceeding Forty Shillings: Provided that it shall not be lawful for any Person to proceed for any such last-mentioned Penalty without the Consent, in *England* or *Ireland*, of Her Majesty's Attorney General for *England* or *Ireland* respectively, or in *Scotland* of the Lord Advocate.

**Counterfeiting Foreign Gold and Silver Coin.**

**18.** Whosoever shall make or counterfeit any Kind of Coin not being the Queen's current Gold or Silver Coin, but resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**Bringing such counterfeit Coin into the United Kingdom.**

**19.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall bring or receive into the United Kingdom any such false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**20.** Who-

Penalty for uttering such counterfeit Coin.

**20.** Whosoever shall tender, utter, or put off any such false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour.

Second Offence of uttering counterfeit Foreign Coin.

Third Offence.

**21.** Whosoever, having been so convicted as in the last preceding Section mentioned, shall afterwards commit the like Offence of tendering, uttering, or putting off any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and whosoever, having been so convicted of a Second Offence, shall afterwards commit the like Offence of tendering, uttering, or putting off any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Persons counterfeiting Foreign Coin other than Gold and Silver Coin.

**22.** Whosoever shall falsely make or counterfeit any Kind of Coin not being the Queen's current Coin, but resembling or apparently intended to resemble or pass for any Copper Coin, or any other Coin made of any Metal or mixed Metals of less Value than the Silver Coin of any Foreign Prince, State, or Country, shall, in *England* and *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, for the First Offence to be imprisoned for any Term not exceeding One Year, and for the Second Offence to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Penalty on Persons having more than Five Pieces of false

**23.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall have in his Custody or Possession any greater Number of Pieces than Five Pieces of

false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, or any such Copper or other Coin as in the last preceding Section mentioned, shall, on Conviction thereof before any Justice of the Peace, forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces and destroyed by Order of such Justice, and shall for every such Offence forfeit and pay any Sum of Money not exceeding Forty Shillings nor less than Ten Shillings for every such Piece of false and counterfeit Coin which shall be found in the Custody or Possession of such Person, one Moiety to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall be committed; and in case any such Penalty shall not be forthwith paid it shall be lawful for any such Justice to commit the Person who shall have been adjudged to pay the same to the Common Gaol or House of Correction, there to be kept to Hard Labour for the Space of Three Months, or until such Penalty shall be paid.

**such counterfeit Foreign Coin in their Possession.**

**24.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly make or mend, or begin or proceed to make or mend, or buy or sell, or have in his Custody or Possession, any Puncheon, Counter Puncheon, Matrix, Stamp, Die, Pattern, or Mould, in or upon which there shall be made or impressed, or which will make or impress, or which shall be adapted and intended to make or impress, the Figure, Stamp, or apparent Resemblance of both or either of the Sides of any of the Queen's current Gold or Silver Coin, or of any Coin of any Foreign Prince, State, or Country, or any Part or Parts of both or either of such Sides; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his Custody or Possession, any Edger, Edging or other Tool, Collar, Instrument, or Engine adapted and intended for the marking of Coin round the Edges with Letters, Grainings, or other Marks or Figures apparently resembling those on the Edges of any such Coin as in this Section aforesaid, knowing the same to be so adapted and intended as aforesaid; or shall make or mend, or begin or proceed to make or mend, or shall buy or sell, or have in his Custody or Possession, any Press for Coinage, or any Cutting Engine for cutting by force of a Screw or of any other Contrivance, round Blanks out of Gold, Silver, or other Metal or Mixture of Metals, or any other Machine, knowing such Press to be a Press for Coinage, or knowing such Engine or Machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such Coin as in this Section aforesaid, shall, in *England* and *Ireland*, be guilty of Felony, and in

**Making, mending, or having Possession of any Coining Tools, Felony.**

*Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Conveying Tools or Monies out of the Mint without Authority, Felony.

**25.** Whosoever, without lawful Authority or Excuse (the Proof whereof shall lie on the Party accused), shall knowingly convey out of any of Her Majesty's Mints any Puncheon, Counter Puncheon, Matrix, Stamp, Die, Pattern, Mould, Edger, Edging or other Tool, Collar, Instrument, Press, or Engine used or employed in or about the coining of Coin, or any useful Part of any of the several Matters aforesaid, or any Coin, Bullion, Metal, or Mixture of Metals, shall, in *England* and *Ireland*, be guilty of Felony, and in *Scotland* of a high Crime and Offence, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Coin suspected to be diminished or counterfeit may be cut by any Person to whom it is tendered. Who shall bear the Loss.

**26.** Where any Coin shall be tendered as the Queen's current Gold or Silver Coin to any Person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such Person to cut, break, bend, or deface such Coin, and if any Coin so cut, broken, bent, or defaced shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the Person tendering the same shall bear the Loss thereof; but if the same shall be of due Weight, and shall appear to be lawful Coin, the Person cutting, breaking, bending, or defacing the same is hereby required to receive the same at the Rate it was coined for; and if any Dispute shall arise whether the Coin so cut, broken, bent, or defaced be diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary Manner by any Justice of the Peace, who is hereby empowered to examine upon Oath as well the Parties as any other Person, in order to the Decision of such Dispute; and the Tellers at the Receipt of Her Majesty's Exchequer, and their Deputies and Clerks, and the Receivers General of every Branch of Her Majesty's Revenue, are hereby required to cut, break, or deface, or cause to be cut, broken, or defaced every Piece of counterfeit or unlawfully diminished Gold or Silver Coin which shall be tendered to them in Payment of any Part of Her Majesty's Revenue.

Provision for the Discovery and Seizure of counterfeit Coin and Coining Tools, for securing them as Evidence, and for ultimately disposing of them.

**27.** If any Person shall find or discover in any Place whatever, or in the Custody or Possession of any Person having the same without lawful Authority or Excuse, any false or counterfeit Coin, resembling or apparently intended to resemble or pass for any of the Queen's current Gold, Silver, or Copper Coin, or any Coin of any Foreign Prince, State, or Country, or any Instrument, Tool, or Engine whatsoever, adapted and intended for the counterfeiting of any such Coin, or any Filings or Clippings, or any Gold or Silver Bullion, or any Gold or Silver in Dust, Solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any of the Queen's current Gold or Silver Coin, it shall be lawful for the Person so finding or discovering and he is hereby required to seize the same, and to carry the same forthwith before some Justice of the Peace; and where it shall be proved, on the Oath of a credible Witness before any Justice of the Peace, that there is reasonable Cause to suspect that any Person has been concerned in counterfeiting the Queen's current Gold, Silver, or Copper Coin, or any such Foreign or other Coin as in this Act before mentioned, or has in his Custody or Possession any such false or counterfeit Coin, or any Instrument, Tool, or Engine whatsoever adapted and intended for the making or counterfeiting of any such Coin, or any other Machine used or intended to be used for making or counterfeiting any such Coin, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution, or otherwise as aforesaid, it shall be lawful for any Justice of the Peace, by Warrant under his Hand, to cause any Place whatsoever belonging to or in the Occupation or under the Control of such suspected Person to be searched, either in the Day or in the Night, and if any such false or counterfeit Coin, or any such Instrument, Tool, or Engine, or any such Machine, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution, or otherwise as aforesaid, shall be found in any Place so searched, to cause the same to be seized and carried forthwith before some Justice of the Peace; and whensoever any such false or counterfeit Coin, or any such Instrument, Tool, or Engine, or any such Machine, or any such Filings, Clippings, or Bullion, or any such Gold or Silver in Dust, Solution, or otherwise as aforesaid, shall in any Case whatsoever be seized and carried before a Justice of the Peace, he shall, if necessary, cause the same to be secured, for the Purpose of being produced in Evidence against any Person who may be prosecuted for any Offence against this Act; and all such false and counterfeit Coin, and all Instruments, Tools, and Engines adapted and intended for the making or counterfeiting of Coin, and all such Machines, and all such Filings, Clippings, and Bullion, and all such Gold and Silver in Dust, Solution, or otherwise as aforesaid,

aforesaid, after they shall have been produced in Evidence, or when they shall have been seized, and shall not be required to be produced in Evidence, shall forthwith be delivered up to the Officers of Her Majesty's Mint, or to the Solicitors of Her Majesty's Treasury, or to any Person authorized by them to receive the same.

Venue.

**28.** Where any Person shall tender, utter, or put off any false or counterfeit Coin in one County or Jurisdiction, and shall also tender, utter, or put off any other false or counterfeit Coin in any other County or Jurisdiction, either on the Day of such first-mentioned tendering, uttering, or putting off, or within the Space of Ten Days next ensuing, or where Two or more Persons, acting in concert in different Counties or Jurisdictions, shall commit any Offence against this Act, every such Offender may be dealt with, indicted, tried, and punished, and the Offence laid and charged to have been committed, in any One of the said Counties or Jurisdictions, in the same Manner in all respects as if the Offence had been actually and wholly committed within such One County or Jurisdiction.

What shall be sufficient Proof of Coin being counterfeit.

**29.** Where, upon the Trial of any Person charged with any Offence against this Act, it shall be necessary to prove that any Coin produced in Evidence against such Person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the Evidence of any Moneyer, or other Officer of Her Majesty's Mint, but it shall be sufficient to prove the same to be false or counterfeit by the Evidence of any other credible Witness.

Where the counterfeiting Coin shall be complete.

**30.** Every Offence of falsely making or counterfeiting any Coin, or of buying, selling, receiving, paying, tendering, uttering, or putting off, or of offering to buy, sell, receive, pay, utter, or put off, any false or counterfeit Coin, against the Provisions of this Act, shall be deemed to be complete, although the Coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered, or put off, or offered to be bought, sold, received, paid, uttered, or put off, shall not be in a fit State to be uttered, or the counterfeiting thereof shall not be finished or perfected.

Any Person may apprehend any Person committing any indictable Offence against this Act.

**31.** It shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any indictable Offence, or any high Crime and Offence, or Crime and Offence, against this Act, and to convey or deliver him to some Peace Officer, Constable, or Officer of Police, in order to his being conveyed as soon as reasonably may be before a Justice of the Peace or some other proper Officer, to be dealt with according to Law.

**32.** No

**32.** No Conviction for any Offence punishable on summary Conviction under this Act shall be quashed for Want of Form, or be removed by Certiorari into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid Conviction to sustain the same.

No Certiorari, &c.

**33.** All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall, in *England* or *Ireland*, be laid and tried in the County where the Fact was committed, and shall, in *England*, *Ireland*, or *Scotland*, be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant or Defender One Month at least before the Commencement of the Action; and in any such Action brought in *England* or *Ireland* the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and in *Scotland* the Defender may insist on all relevant Defences; and no Plaintiff or Pursuer shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Defender; and if, in *England* or *Ireland*, a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, or if, in *Scotland*, the Verdict shall be for the Defender, or if the Pursuer shall abandon the Action, or the Court shall dismiss it as irrelevant or improperly laid, in every such Case the Defendant or Defender shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant or Defender has by Law in other Cases; and though a Verdict shall be given for the Plaintiff or Pursuer in any such Action, such Plaintiff or Pursuer shall not have Costs against the Defendant or Defender, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action.

Venue in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue.

Tender of Amends, &c.

**34.** All high Crimes and Offences, and Crimes and Offences, against this Act, which may be committed in *Scotland*, shall be proceeded against and tried according to the Rules and Procedure of the Criminal Law of *Scotland*; and all Proceedings by this Act made competent before any Justice or Justices, and all and every the Powers and Authorities by this Act given to or conferred upon any such Justice or Justices, shall, in *Scotland*, be competent before and may be exercised by any Sheriff, Magistrate, or Justice of the Peace.

Trial of Offences in Scotland.



**35.** In

Punishment of Principal in the Second Degree, and Accessories.

**35.** In the Case of every Felony punishable under the Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act shall be liable to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Offences committed within the Jurisdiction of the Admiralty.

**36.** All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of *England* or *Ireland* shall be deemed to be Offences of the same Nature and liable to the same Punishments as if they had been committed upon the Land in *England* or *Ireland*, and may be dealt with, inquired of, tried, and determined in any County or Place in *England* or *Ireland* in which the Offender shall be apprehended or be in Custody, in the same Manner in all respects as if the same had been actually committed in that County or Place, and in any Indictment for any such Offence, or for being accessory to any such Offence, the Venue in the Margin shall be the same as if such Offence had been committed in such County or Place, and the Offence itself shall be averred to have been committed "on the High Seas;" and where any of the Crimes and Offences, or high Crimes and Offences, mentioned in this Act, shall be committed at Sea, and the Vessel in which the same shall be committed shall be registered in *Scotland*, or touch at any Part thereof, the Courts of Criminal Law of *Scotland* may inquire, try, and determine the same in the same Manner as if such Crime and Offence, or high Crime and Offence, had been committed in *Scotland*; provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

What shall be sufficient Evidence of Conviction for a previous Offence.

**37.** Where any Person shall have been convicted of any Offence against this Act, or any former Act relating to the Coin, and shall afterwards be indicted for any Offence against this Act committed subsequent to such Conviction, it shall be sufficient in any such Indictment, after charging such subsequent Offence, to state the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Offence, purporting to be signed by the Clerk of the Court or other Officer having or purporting to have the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the previous Conviction,

Conviction, without Proof of the Signature or official Character or Authority of the Person appearing to have signed the same, or of his Custody or Right to the Custody of the Records of the Court, and for every such Certificate a Fee of Six Shillings and Eightpence, and no more, shall be demanded or taken; and the Proceedings upon any Indictment for committing any Offence after a previous Conviction or Convictions shall be as follows; (that is to say,) the Offender shall, in the first instance, be arraigned upon so much only of the Indictment as charges the subsequent Offence, and if he plead Not Guilty, or if the Court order a Plea of Not Guilty to be entered on his Behalf, the Jury shall be charged, in the first instance, to inquire concerning such subsequent Offence only; and if they find him Guilty, or if on Arraignment he plead Guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the Indictment, and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of Malice, or will not answer directly to such Question, the Jury shall then be charged to inquire concerning such previous Conviction or Convictions, and in such Case it shall not be necessary to swear the Jury again, but the Oath already taken by them shall for all Purposes be deemed to extend to such last-mentioned Inquiry: Provided that if upon the Trial of any Person for any such subsequent Offence such Person shall give Evidence of his good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Conviction of such Person for the previous Offence or Offences, before such Verdict of Guilty shall be returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

When the previous Conviction is to be proved on the Trial.

**38.** Whenever any Person shall be convicted of any indictable Misdemeanor punishable under this Act the Court may, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, fine the Offender, and require him to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace and being of good Behaviour; and in case of any Felony punishable under this Act, the Court may, if it shall think fit, require the Offender to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace, in addition to any Punishment by this Act authorized; provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

Fine and Sureties for keeping the Peace; in what Cases.

**39.** Whenever Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may

Hard Labour.

may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction.

Solitary Confinement.

**40.** Whenever Solitary Confinement may be awarded for any Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year.

Summary Proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93.

**41.** Every Offence hereby made punishable on summary Conviction may be prosecuted in *England* in the Manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Forty-three, and may be prosecuted in *Ireland* before Two or more Justices of the Peace, or One Metropolitan or Stipendiary Magistrate, in the Manner directed by the Act of the Session holden in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed by any Act that may be passed for like Purposes; and all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if they were incorporated in this Act: Provided that nothing in this Act contained shall in any Manner alter or affect any Enactment relating to Procedure in the Case of any Offence punishable on summary Conviction within the City of *London* or the Metropolitan Police District, or the Recovery or Application of any Penalty or Forfeiture for any such Offence.

Except in London and the Metropolitan Police District.

Costs of Prosecutions.

**42.** In all Prosecutions for any Offence against this Act in *England*, which shall be conducted under the Direction of the Solicitors of Her Majesty's Treasury, the Court before which such Offence shall be prosecuted or tried shall allow the Expenses of the Prosecution in all respects as in Cases of Felony; and in all Prosecutions for any such Offence in *England* which shall not be so conducted it shall be lawful for such Court, in case a Conviction shall take place, but not otherwise, to allow the Expenses of the Prosecution in like Manner; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid and repaid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Commencement of Act.

**43.** This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. C.

## An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Offences against the Person. [6th *August* 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of *England* and *Ireland* relating to Offences against the Person: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

*Homicide.*

1. Whosoever shall be convicted of Murder shall suffer Death as a Felon. Murder.

2. Upon every Conviction for Murder the Court shall pronounce Sentence of Death, and the same may be carried into execution, and all other Proceedings upon such Sentence and in respect thereof may be had and taken, in the same Manner in all respects as Sentence of Death might have been pronounced and carried into execution, and all other Proceedings thereupon and in respect thereof might have been had Sentence for Murder.

had and taken, before the passing of this Act, upon a Conviction for any other Felony for which the Prisoner might have been sentenced to suffer Death as a Felon.

Body to be buried in Prison.

3. The Body of every Person executed for Murder shall be buried within the Precincts of the Prison in which he shall have been last confined after Conviction, and the Sentence of the Court shall so direct.

Conspiring or soliciting to commit Murder.

4. All Persons who shall conspire, confederate, and agree to murder any Person, whether he be a Subject of Her Majesty or not, and whether he be within the Queen's Dominions or not, and whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any Person, to murder any other Person, whether he be a Subject of Her Majesty or not, and whether he be within the Queen's Dominions or not, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not more than Ten and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Manslaughter.

5. Whosoever shall be convicted of Manslaughter shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, or to pay such Fine as the Court shall award, in addition to or without any such other discretionary Punishment as aforesaid.

Indictment for Murder or Manslaughter.

6. In any Indictment for Murder or Manslaughter, or for being an Accessory to any Murder or Manslaughter, it shall not be necessary to set forth the Manner in which or the Means by which the Death of the Deceased was caused, but it shall be sufficient in any Indictment for Murder to charge that the Defendant did feloniously, wilfully, and of his Malice aforethought kill and murder the Deceased; and it shall be sufficient in any Indictment for Manslaughter to charge that the Defendant did feloniously kill and slay the Deceased; and it shall be sufficient in any Indictment against any Accessory to any Murder or Manslaughter to charge the Principal with the Murder or Manslaughter (as the Case may be) in the Manner herein-before specified, and then to charge the Defendant as an Accessory in the Manner heretofore used and accustomed.

Excusable Homicide.

7. No Punishment or Forfeiture shall be incurred by any Person who shall kill another by Misfortune or in his own Defence, or in any other Manner without Felony.

8. Every

*Offences against the Person.*

8. Every Offence which before the Commencement of the Act of the Ninth Year of King *George* the Fourth, Chapter Thirty-one, would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater Offence; and all Persons guilty in respect thereof, whether as Principals or as Accessories, shall be dealt with, indicted, tried, and punished as Principals and Accessories in Murder. Petit Treason.

9. Where any Murder or Manslaughter shall be committed on Land out of the United Kingdom, whether within the Queen's Dominions or without, and whether the Person killed were a Subject of Her Majesty or not, every Offence committed by any Subject of Her Majesty, in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being accessory to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in any County or Place in *England* or *Ireland* in which such Person shall be apprehended or be in Custody, in the same Manner in all respects as if such Offence had been actually committed in that County or Place; provided that nothing herein contained shall prevent any Person from being tried in any Place out of *England* or *Ireland* for any Murder or Manslaughter committed out of *England* or *Ireland*, in the same Manner as such Person might have been tried before the passing of this Act. Murder or Manslaughter abroad.

10. Where any Person, being feloniously stricken, poisoned, or otherwise hurt upon the Sea, or at any Place out of *England* or *Ireland*, shall die of such Stroke, Poisoning, or Hurt in *England* or *Ireland*, or, being feloniously stricken, poisoned, or otherwise hurt at any Place in *England* or *Ireland*, shall die of such Stroke, Poisoning, or Hurt upon the Sea, or at any Place out of *England* or *Ireland*, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being accessory to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in the County or Place in *England* or *Ireland* in which such Death, Stroke, Poisoning, or Hurt shall happen, in the same Manner in all respects as if such Offence had been wholly committed in that County or Place. Provision for the Trial of Murder and Manslaughter where the Death or Cause of Death only happens in England or Ireland.

*Attempts to murder.*

11. Whosoever shall administer to or cause to be administered to or to be taken by any Person any Poison or other destructive Thing, or shall by any Means whatsoever wound or cause any grievous bodily Harm to any Person, with Intent in any of the Cases aforesaid to commit Murder, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, Administering Poison, or wounding with Intent to murder.

or

or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Destroying or damaging a Building with Gunpowder, with Intent to murder.

**12.** Whosoever, by the Explosion of Gunpowder or other explosive Substance, shall destroy or damage any Building with Intent to commit Murder, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Setting fire to or casting away a Ship with Intent to murder.

**13.** Whosoever shall set fire to any Ship or Vessel or any Part thereof, or any Part of the Tackle, Apparel, or Furniture thereof, or any Goods or Chattels being therein, or shall cast away or destroy any Ship or Vessel, with Intent in any of such Cases to commit Murder, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Attempting to administer Poison, or shooting or attempting to shoot or attempting to drown, &c., with Intent to murder.

**14.** Whosoever shall attempt to administer to or shall attempt to cause to be administered to or to be taken by any Person any Poison or other destructive Thing, or shall shoot at any Person, or shall, by drawing a Trigger or in any other Manner, attempt to discharge any kind of loaded Arms at any Person, or shall attempt to drown, suffocate, or strangle any Person, with Intent, in any of the Cases aforesaid, to commit Murder, shall, whether any bodily Injury be effected or not, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

By any other Means attempting to commit Murder.

**15.** Whosoever shall, by any Means other than those specified in any of the preceding Sections of this Act, attempt to commit Murder, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

*Letters threatening to murder.*

Sending Letters threatening to murder.

**16.** Whosoever shall maliciously send, deliver, or utter, or directly or indirectly cause to be received, knowing the Contents thereof, any Letter

Letter or Writing threatening to kill or murder any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

*Acts causing or tending to cause Danger to Life or bodily Harm.*

Impeding a Person endeavouring to save himself from Shipwreck.

**17.** Whosoever shall unlawfully and maliciously prevent or impede any Person, being on board of or having quitted any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, in his Endeavour to save his Life, or shall unlawfully and maliciously prevent or impede any Person in his Endeavour to save the Life of any such Person as in this Section first aforesaid, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Shooting or attempting to shoot, or wounding with Intent to do grievous bodily Harm.

**18.** Whosoever shall unlawfully and maliciously by any Means whatsoever wound or cause any grievous bodily Harm to any Person, or shoot at any Person, or, by drawing a Trigger or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, with Intent, in any of the Cases aforesaid, to maim, disfigure, or disable any Person, or to do some other grievous bodily Harm to any Person, or with Intent to resist or prevent the lawful Apprehension or Detainer of any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

What shall constitute loaded Arms.

**19.** Any Gun, Pistol, or other Arms which shall be loaded in the Barrel with Gunpowder or any other explosive Substance, and Ball, Shot, Slug, or other destructive Material, shall be deemed to be loaded Arms within the Meaning of this Act, although the Attempt to discharge the same may fail from Want of proper Priming or from any other Cause.

Inflicting bodily Injury, with or without Weapon.

**20.** Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily Harm upon any other Person, either with or without any Weapon or Instrument, shall be guilty of a Misdemeanor, and

and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Attempting to choke, &c. in order to commit any indictable Offence.

**21.** Whosoever shall, by any Means whatsoever, attempt to choke, suffocate, or strangle any other Person, or shall, by any Means calculated to choke, suffocate, or strangle, attempt to render any other Person insensible, unconscious, or incapable of Resistance, with Intent in any of such Cases thereby to enable himself or any other Person to commit, or with Intent in any of such Cases thereby to assist any other Person in committing, any indictable Offence, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Using Chloroform, &c. to commit any indictable Offence.

**22.** Whosoever shall unlawfully apply or administer to or cause to be taken by, or attempt to apply or administer to or attempt to cause to be administered to or taken by, any Person, any Chloroform, Laudanum, or other stupefying or overpowering Drug, Matter, or Thing, with Intent in any of such Cases thereby to enable himself or any other Person to commit, or with Intent in any of such Cases thereby to assist any other Person in committing, any indictable Offence, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any other Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Maliciously administering Poison, &c. so as to endanger Life or inflict grievous bodily Harm.

**23.** Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other Person any Poison or other destructive or noxious Thing, so as thereby to endanger the Life of such Person, or so as thereby to inflict upon such Person any grievous bodily Harm, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Maliciously administering Poison, &c. with Intent to injure, aggrieve, or annoy any

**24.** Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other Person any Poison or other destructive or noxious Thing, with Intent to injure, aggrieve, or annoy such Person, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or

or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

other Person.

**25.** If, upon the Trial of any Person for any Felony in the last but one preceding Section mentioned, the Jury shall not be satisfied that such Person is guilty thereof, but shall be satisfied that he is guilty of any Misdemeanor in the last preceding Section mentioned, then and in every such Case the Jury may acquit the Accused of such Felony, and find him guilty of such Misdemeanor, and thereupon he shall be liable to be punished in the same Manner as if convicted upon an Indictment for such Misdemeanor.

If the Jury be not satisfied that any Person charged is guilty of Felony, but guilty of Misdemeanor they may find him guilty accordingly.

**26.** Whosoever, being legally liable, either as a Master or Mistress, to provide for any Apprentice or Servant necessary Food, Clothing, or Lodging, shall wilfully and without lawful Excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily Harm to any such Apprentice or Servant, so that the Life of such Apprentice or Servant shall be endangered, or the Health of such Apprentice or Servant shall have been or shall be likely to be permanently injured, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Not providing Apprentices or Servants with Food, &c. whereby Life endangered.

**27.** Whosoever shall unlawfully abandon or expose any Child, being under the Age of Two Years, whereby the Life of such Child shall be endangered, or the Health of such Child shall have been or shall be likely to be permanently injured, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Exposing Children whereby Life endangered.

**28.** Whosoever shall unlawfully and maliciously, by the Explosion of Gunpowder or other explosive Substance, burn, maim, disfigure, disable, or do any grievous bodily Harm to any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Causing bodily Injury by Gunpowder.

**29.** Whosoever shall unlawfully and maliciously cause any Gunpowder or other explosive Substance to explode, or send or deliver to

Causing Gunpowder to explode,

or sending to any Person an explosive Substance, or throwing corrosive Fluid on a Person, with Intent to do grievous bodily Harm.

to or cause to be taken or received by any Person any explosive Substance or any other dangerous or noxious Thing, or put or lay at any Place, or cast or throw at or upon or otherwise apply to any Person, any corrosive Fluid or any destructive or explosive Substance, with Intent in any of the Cases aforesaid to burn, maim, disfigure, or disable any Person, or to do some grievous bodily Harm to any Person, shall, whether any bodily Injury be effected or not, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and if a Male under the Age of Sixteen Years, with or without Whipping.

Placing Gunpowder near a Building, with Intent to do bodily Injury to any Person.

**30.** Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any Building, Ship, or Vessel any Gunpowder or other explosive Substance, with Intent to do any bodily Injury to any Person, shall, whether or not any Explosion take place, and whether or not any bodily Injury be effected, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and if a Male under the Age of Sixteen Years, with or without Whipping.

Setting Spring Guns, &c., with Intent to inflict grievous bodily Harm.

**31.** Whosoever shall set or place, or cause to be set or placed, any Spring Gun, Man Trap, or other Engine calculated to destroy Human Life or inflict grievous bodily Harm, with the Intent that the same or whereby the same may destroy or inflict grievous bodily Harm upon a Trespasser or other Person coming in contact therewith, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and whosoever shall knowingly and wilfully permit any such Spring Gun, Man Trap, or other Engine which may have been set or placed in any Place then being in or afterwards coming into his Possession or Occupation by some other Person to continue so set or placed, shall be deemed to have set and placed such Gun, Trap, or Engine with such Intent as aforesaid: Provided that nothing in this Section contained shall extend to make it illegal to set or place any Gin or Trap such as may have been or may be usually set or placed with the Intent of destroying Vermin: Provided also, that nothing in this Section shall be deemed to make it unlawful to set or place or cause to

to be set or placed, or to be continued set or placed, from Sunset to Sunrise, any Spring Gun, Man Trap, or other Engine which shall be set or placed, or caused or continued to be set or placed, in a Dwelling House, for the Protection thereof.

Placing Wood, &c., on a Railway, with Intent to endanger Passengers.

**32.** Whosoever shall unlawfully and maliciously put or throw upon or across any Railway any Wood, Stone, or other Matter or Thing, or shall unlawfully and maliciously take up, remove, or displace any Rail, Sleeper, or other Matter or Thing belonging to any Railway, or shall unlawfully and maliciously turn, move, or divert any Points or other Machinery belonging to any Railway, or shall unlawfully and maliciously make or show, hide or remove, any Signal or Light upon or near to any Railway, or shall unlawfully and maliciously do or cause to be done any other Matter or Thing, with Intent, in any of the Cases aforesaid, to endanger the Safety of any Person travelling or being upon such Railway, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and if a Male under the Age of Sixteen Years with or without Whipping.

Casting Stone, &c. upon a Railway Carriage, with Intent to endanger the Safety of any Person therein.

**33.** Whosoever shall unlawfully and maliciously throw, or cause to fall or strike, at, against, into, or upon any Engine, Tender, Carriage, or Truck used upon any Railway, any Wood, Stone, or other Matter or Thing, with Intent to injure or endanger the Safety of any Person being in or upon such Engine, Tender, Carriage, or Truck, or in or upon any other Engine, Tender, Carriage, or Truck of any Train of which such first-mentioned Engine, Tender, Carriage, or Truck shall form Part, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Doing or omitting anything to endanger Passengers by Railway.

**34.** Whosoever, by any unlawful Act, or by any wilful Omission or Neglect, shall endanger or cause to be endangered the Safety of any Person conveyed or being in or upon a Railway, or shall aid or assist therein, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Drivers of Carriages injuring Persons by furious Driving.

**35.** Whosoever, having the Charge of any Carriage or Vehicle, shall, by wanton or furious Driving or Racing, or other wilful Misconduct, or by wilful Neglect, do or cause to be done any bodily Harm

Harm to any Person whatsoever, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

*Assaults.*

Obstructing or assaulting a Clergyman or other Minister in the Discharge of his Duties.

**36.** Whosoever shall, by Threats or Force, obstruct or prevent, or endeavour to obstruct or prevent, any Clergyman or other Minister in or from celebrating Divine Service or otherwise officiating in any Church, Chapel, Meeting House, or other Place of Divine Worship, or in or from the Performance of his Duty in the lawful Burial of the Dead in any Churchyard or other Burial Place, or shall strike or offer any Violence to, or shall, upon any Civil Process, or under the Pretence of executing any Civil Process, arrest any Clergyman or other Minister who is engaged in, or to the Knowledge of the Offender is about to engage in, any of the Rites or Duties in this Section aforesaid, or who to the Knowledge of the Offender shall be going to perform the same or returning from the Performance thereof, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Assaulting a Magistrate, &c. on account of his preserving Wreck.

**37.** Whosoever shall assault and strike or wound any Magistrate, Officer, or other Person whatsoever lawfully authorized, in or on account of the Exercise of his Duty in or concerning the Preservation of any Vessel in Distress, or of any Vessel, Goods, or Effects wrecked, stranded, or cast on shore, or lying under Water, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Assault with Intent to commit Felony, or on Peace Officers, &c.

**38.** Whosoever shall assault any Person with Intent to commit Felony, or shall assault, resist, or wilfully obstruct any Peace Officer in the due Execution of his Duty, or any Person acting in aid of such Officer, or shall assault any Person with Intent to resist or prevent the lawful Apprehension or Detainer of himself or of any other Person for any Offence, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Assaults with Intent to obstruct

**39.** Whosoever shall beat, or use any Violence or Threat of Violence to any Person, with Intent to deter or hinder him from buying, selling, or

or otherwise disposing of, or to compel him to buy, sell, or otherwise dispose of, any Wheat or other Grain, Flour, Meal, Malt, or Potatoes, in any Market or other Place, or shall beat or use any such Violence or Threat to any Person having the Care or Charge of any Wheat or other Grain, Flour, Meal, Malt, or Potatoes, whilst on the Way to or from any City, Market Town, or other Place, with Intent to stop the Conveyance of the same, shall, on Conviction thereof before Two Justices of the Peace, be liable to be imprisoned and kept to Hard Labour in the Common Gaol or House of Correction for any Term not exceeding Three Months: Provided that no Person who shall be punished for any such Offence by virtue of this Section shall be punished for the same Offence by virtue of any other Law whatsoever.

the Sale of Grain, or its free Passage.

**40.** Whosoever shall unlawfully and with Force hinder or prevent any Seaman, Keelman, or Caster from working at or exercising his lawful Trade, Business, or Occupation, or shall beat or use any Violence to any such Person with Intent to hinder or prevent him from working at or exercising the same, shall, on Conviction thereof before Two Justices of the Peace, be liable to be imprisoned and kept to Hard Labour in the Common Gaol or House of Correction for any Term not exceeding Three Months: Provided that no Person who shall be punished for any such Offence by reason of this Section shall be punished for the same Offence by virtue of any other Law whatsoever.

Assaults on Seamen, &c.

**41.** Whosoever, in pursuance of any unlawful Combination or Conspiracy to raise the Rate of Wages, or of any unlawful Combination or Conspiracy respecting any Trade, Business, or Manufacture, or respecting any Person concerned or employed therein, shall unlawfully assault any Person, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Assaults arising from Combination.

**42.** Where any Person shall unlawfully assault or beat any other Person, Two Justices of the Peace, upon Complaint by or on behalf of the Party aggrieved, may hear and determine such Offence, and the Offender shall, upon Conviction thereof before them, at the Discretion of the Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned with or without Hard Labour for any Term not exceeding Two Months, or else shall forfeit and pay such Fine as shall appear to them to be meet, not exceeding, together with Costs (if ordered), the Sum of Five Pounds; and if such Fine as shall be so awarded, together with the Costs (if ordered), shall not be paid, either immediately after the Conviction

Persons committing any Common Assault or Battery may be imprisoned or compelled by Two Magistrates to pay Fine and Costs not exceeding 5*l.*

tion or within such Period as the said Justices shall at the Time of the Conviction appoint, they may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for any Term not exceeding Two Months, unless such Fine and Costs be sooner paid.

Persons convicted of aggravated Assaults on Females and Boys under Fourteen Years of Age may be imprisoned or fined.

**43.** When any Person shall be charged before Two Justices of the Peace with an Assault or Battery upon any Male Child whose Age shall not in the Opinion of such Justices exceed Fourteen Years, or upon any Female, either upon the Complaint of the Party aggrieved or otherwise, the said Justices, if the Assault or Battery is of such an aggravated Nature that it cannot in their Opinion be sufficiently punished under the Provisions herein-before contained as to Common Assaults and Batteries, may proceed to hear and determine the same in a summary Way, and, if the same be proved, may convict the Person accused; and every such Offender shall be liable to be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for any Period not exceeding Six Months, or to pay a Fine not exceeding (together with Costs) the Sum of Twenty Pounds, and in default of Payment to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Six Months, unless such Fine and Costs be sooner paid, and, if the Justices shall so think fit, in any of the said Cases, shall be bound to keep the Peace and be of good Behaviour for any Period not exceeding Six Months from the Expiration of such Sentence.

If the Magistrates dismiss the Complaint, they shall make out a Certificate to that Effect.

**44.** If the Justices, upon the Hearing of any such Case of Assault or Battery upon the Merits, where the Complaint was preferred by or on the Behalf of the Party aggrieved, under either of the last Two preceding Sections, shall deem the Offence not to be proved, or shall find the Assault or Battery to have been justified, or so trifling as not to merit any Punishment, and shall accordingly dismiss the Complaint, they shall forthwith make out a Certificate under their Hands stating the Fact of such Dismissal, and shall deliver such Certificate to the Party against whom the Complaint was preferred.

Certificate or Conviction shall be a Bar to any other Proceedings.

**45.** If any Person, against whom any such Complaint as in either of the last Three preceding Sections mentioned shall have been preferred by or on the Behalf of the Party aggrieved, shall have obtained such Certificate, or, having been convicted, shall have paid the whole Amount adjudged to be paid, or shall have suffered the Imprisonment or Imprisonment with Hard Labour awarded, in every such Case he shall be released from all further or other Proceedings, Civil or Criminal, for the same Cause.

**46.** Provided,

**46.** Provided, That in case the Justices shall find the Assault or Battery complained of to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is, from any other Circumstance, a fit Subject for a Prosecution by Indictment, they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as if they had no Authority finally to hear and determine the same: Provided also, that nothing herein contained shall authorize any Justices to hear and determine any Case of Assault or Battery in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing therefrom, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice.

These Provisions not to apply to certain Cases.

**47.** Whosoever shall be convicted upon an Indictment of any Assault occasioning actual bodily Harm shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and whosoever shall be convicted upon an Indictment for a common Assault shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour.

Assault occasioning bodily Harm.

Common Assault.

*Rape, Abduction, and Defilement of Women.*

**48.** Whosoever shall be convicted of the Crime of Rape shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Rape.

**49.** Whosoever shall, by false Pretences, false Representations, or other fraudulent Means, procure any Woman or Girl under the Age of Twenty-one Years to have illicit carnal Connexion with any Man, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Procuring the Defilement of Girl under Age.

**50.** Whosoever shall unlawfully and carnally know and abuse any Girl under the Age of Ten Years shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Carnally knowing a Girl under Ten Years of Age.

**51.** Whosoever shall unlawfully and carnally know and abuse any Girl being above the Age of Ten Years and under the Age of Twelve

Carnally knowing a Girl between

the Ages of Ten and Twelve.

Twelve Years shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Attempt to commit the last Two Offences.

**52.** Whosoever shall be convicted of any indecent Assault upon any Female, or of any Attempt to have carnal Knowledge of any Girl under Twelve Years of Age, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Abduction of a Woman against her Will, from Motives of Lucre.

Fraudulent Abduction of a Girl under Age against the Will of her Father, &c.

Offender incapable of taking any of her Property.

**53.** Where any Woman of any Age shall have any Interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any Real or Personal Estate, or shall be a presumptive Heiress or Coheiress, or presumptive Next of Kin, or One of the presumptive Next of Kin, to any one having such Interest, whosoever shall, from Motives of Lucre, take away or detain such Woman against her Will, with Intent to marry or carnally know her, or to cause her to be married or carnally known by any other Person; and whosoever shall fraudulently allure, take away, or detain such Woman, being under the Age of Twenty-one Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, with Intent to marry or carnally know her, or to cause her to be married or carnally known by any other Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and whosoever shall be convicted of any Offence against this Section shall be incapable of taking any Estate or Interest, legal or equitable, in any Real or Personal Property of such Woman, or in which she shall have any such Interest, or which shall come to her as such Heiress, Coheiress, or Next of Kin as aforesaid; and if any such Marriage as aforesaid shall have taken place, such Property shall, upon such Conviction, be settled in such Manner as the Court of Chancery in *England* or *Ireland* shall upon any Information at the Suit of the Attorney General appoint.

Forcible Abduction of any Woman with Intent to marry her.

**54.** Whosoever shall, by Force, take away or detain against her Will any Woman, of any Age, with Intent to marry or carnally know her, or to cause her to be married or carnally known by any other Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than

than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**55.** Whosoever shall unlawfully take or cause to be taken any unmarried Girl, being under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour. Abduction of a Girl under Sixteen Years of Age.

*Child-stealing.*

**56.** Whosoever shall unlawfully, either by Force or Fraud, lead or take away, or decoy or entice away or detain, any Child under the Age of Fourteen Years, with Intent to deprive any Parent, Guardian, or other Person having the lawful Care or Charge of such Child of the Possession of such Child, or with Intent to steal any Article upon or about the Person of such Child, to whomsoever such Article may belong, and whosoever shall, with any such Intent, receive or harbour any such Child, knowing the same to have been, by Force or Fraud, led, taken, decoyed, enticed away, or detained as in this Section before mentioned, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and, if a Male under the Age of Sixteen Years, with or without Whipping: Provided that no Person who shall have claimed any Right to the Possession of such Child, or shall be the Mother or shall have claimed to be the Father of an illegitimate Child, shall be liable to be prosecuted by virtue hereof on account of the getting Possession of such Child, or taking such Child out of the Possession of any Person having the lawful Charge thereof. Child-stealing.

*Bigamy.*

**57.** Whosoever, being married, shall marry any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken place in *England* or *Ireland* or elsewhere, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and any such Offence may be dealt with, inquired of, tried, determined, and punished in any County or Place in Bigamy. Offence may be dealt with where Of-

fender shall be apprehended.

Not to extend to Second Marriages, &c. herein stated.

in *England* or *Ireland* where the Offender shall be apprehended or be in Custody, in the same Manner in all respects as if the Offence had been actually committed in that County or Place: Provided that nothing in this Section contained shall extend to any Second Marriage contracted elsewhere than in *England* and *Ireland* by any other than a Subject of Her Majesty, or to any Person marrying a Second Time whose Husband or Wife shall have been continually absent from such Person for the Space of Seven Years then last past, and shall not have been known by such Person to be living within that Time, or shall extend to any Person who, at the Time of such Second Marriage, shall have been divorced from the Bond of the First Marriage, or to any Person whose former Marriage shall have been declared void by the Sentence of any Court of competent Jurisdiction.

*Attempts to procure Abortion.*

Administering Drugs or using Instruments to procure Abortion.

**58.** Every Woman, being with Child, who, with Intent to procure her own Miscarriage, shall unlawfully administer to herself any Poison or other noxious Thing, or shall unlawfully use any Instrument or other Means whatsoever with the like Intent, and whosoever, with Intent to procure the Miscarriage of any Woman, whether she be or be not with Child, shall unlawfully administer to her or cause to be taken by her any Poison or other noxious Thing, or shall unlawfully use any Instrument or other Means whatsoever with the like Intent, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Procuring Drugs, &c. to cause Abortion.

**59.** Whosoever shall unlawfully supply or procure any Poison or other noxious Thing, or any Instrument or Thing whatsoever, knowing that the same is intended to be unlawfully used or employed with Intent to procure the Miscarriage of any Woman, whether she be or be not with Child, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

*Concealing the Birth of a Child.*

Concealing the Birth of a Child.

**60.** If any Woman shall be delivered of a Child, every Person who shall, by any secret Disposition of the dead Body of the said Child,

*Offences against the Person.*

Child, whether such Child died before, at, or after its Birth, endeavour to conceal the Birth thereof, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour: Provided that if any Person tried for the Murder of any Child shall be acquitted thereof, it shall be lawful for the Jury by whose Verdict such Person shall be acquitted to find, in case it shall so appear in Evidence, that the Child had recently been born, and that such Person did, by some secret Disposition of the dead Body of such Child, endeavour to conceal the Birth thereof, and thereupon the Court may pass such Sentence as if such Person had been convicted upon an Indictment for the Concealment of the Birth.

*Unnatural Offences.*

Sodomy and Bestiality.

**61.** Whosoever shall be convicted of the abominable Crime of Buggery, committed either with Mankind or with any Animal, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Ten Years.

Attempt to commit an infamous Crime.

**62.** Whosoever shall attempt to commit the said abominable Crime, or shall be guilty of any Assault with Intent to commit the same, or of any indecent Assault upon any Male Person, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Carnal Knowledge defined.

**63.** Whenever, upon the Trial for any Offence punishable under this Act, it may be necessary to prove carnal Knowledge, it shall not be necessary to prove the actual Emission of Seed in order to constitute a carnal Knowledge, but the carnal Knowledge shall be deemed complete upon Proof of Penetration only.

*Making Gunpowder to commit Offences, and searching for the same.*

Making or having Gunpowder, &c., with Intent to commit any Felony against this Act

**64.** Whosoever shall knowingly have in his Possession, or make or manufacture, any Gunpowder, explosive Substance, or any dangerous or noxious Thing, or any Machine, Engine, Instrument, or Thing, with Intent by means thereof to commit, or for the Purpose of enabling any other Person to commit, any of the Felonies in this Act mentioned, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without

Hard Labour, and with or without Solitary Confinement, and if a Male under the Age of Sixteen Years, with or without Whipping.

Justices may issue Warrants for searching Houses, &c. in which explosive Substances are suspected to be made for the Purpose of committing Felonies against this Act.

**65.** Any Justice of the Peace of any County or Place in which any such Gunpowder, or other explosive, dangerous, or noxious Substance or Thing, or any such Machine, Engine, Instrument, or Thing, is suspected to be made, kept, or carried for the Purpose of being used in committing any of the Felonies in this Act mentioned, upon reasonable Cause assigned upon Oath by any Person, may issue a Warrant under his Hand and Seal for searching, in the Day-time, any House, Mill, Magazine, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Place, or any Carriage, Waggon, Cart, Ship, Boat, or Vessel, in which the same is suspected to be made, kept, or carried for such Purpose as herein-before mentioned; and every Person acting in the Execution of any such Warrant shall have, for seizing, removing to proper Places, and detaining all such Gunpowder, explosive, dangerous, or noxious Substances, Machines, Engines, Instruments, or Things, found upon such Search, which he shall have good Cause to suspect to be intended to be used in committing any such Offence, and the Barrels, Packages, Cases, and other Receptacles in which the same shall be, the same Powers and Protections which are given to Persons searching for unlawful Quantities of Gunpowder under the Warrant of a Justice by the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks.*

23 & 24 Vict. c. 139.

*Other Matters.*

A Person loitering at Night, and suspected of any Felony against this Act, may be apprehended.

**66.** Any Constable or Peace Officer may take into Custody, without a Warrant, any Person whom he shall find lying or loitering in any Highway, Yard, or other Place during the Night, and whom he shall have good Cause to suspect of having committed or being about to commit any Felony in this Act mentioned, and shall take such Person as soon as reasonably may be before a Justice of the Peace, to be dealt with according to Law.

Punishment of Principals in the Second Degree, and Accessories.

**67.** In the Case of every Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act (except Murder) shall be liable to be imprisoned for any Term not exceeding Two

Two Years, with or without Hard Labour; and every Accessory after the Fact to Murder shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and whosoever shall counsel, aid, or abet the Commission of any indictable Misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal Offender.

Offences committed within the Jurisdiction of the Admiralty.

**68.** All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of *England* or *Ireland* shall be deemed to be Offences of the same Nature and liable to the same Punishments as if they had been committed upon the Land in *England* or *Ireland*, and may be dealt with, inquired of, tried, and determined in any County or Place in *England* or *Ireland* in which the Offender shall be apprehended or be in Custody, in the same Manner in all respects as if they had been actually committed in that County or Place; and in any Indictment for any such Offence, or for being an Accessory to such an Offence, the Venue in the Margin shall be the same as if the Offence had been committed in such County or Place, and the Offence shall be averred to have been committed "on the High Seas:" Provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

Hard Labour in Gaol or House of Correction.

**69.** Whenever Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction.

Solitary Confinement and Whipping.

**70.** Whenever Solitary Confinement may be awarded for any Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of any Imprisonment, or of any Imprisonment with Hard Labour, which the Court may award, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year; and whenever Whipping may be awarded for any Offence under this Act, the Court may sentence the Offender to be once privately whipped, and the Number of Strokes and the Instrument with which they shall be inflicted shall be specified by the Court in the Sentence.

Fine, and Sureties for keeping the Peace; in what Cases.

**71.** Whenever any Person shall be convicted of any indictable Misdemeanor punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any Punishment by this Act authorized, fine the Offender, and require him to enter into his own Recognizances,

Recognizances, and to find Sureties, both or either, for keeping the Peace and being of good Behaviour; and in case of any Felony punishable under this Act otherwise than with Death the Court may, if it shall think fit, require the Offender to enter into his own Recognizances and to find Sureties, both or either, for keeping the Peace, in addition to any Punishment by this Act authorized; provided that no Person shall be imprisoned for not finding Sureties under this Clause for any Period exceeding One Year.

No Certiorari, &c.

**72.** No summary Conviction under this Act shall be quashed for Want of Form, or be removed by Certiorari into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Guardians and Overseers may be required to prosecute in certain Cases of Offences against this Act.

**73.** Where any Complaint shall be made of any Offence against Section Twenty-six of this Act, or of any bodily Injury inflicted upon any Person under the Age of Sixteen Years, for which the Party committing it is liable to be indicted, and the Circumstances of which Offence amount, in point of Law, to a Felony, or an Attempt to commit a Felony, or an Assault with Intent to commit a Felony, and Two Justices of the Peace before whom such Complaint is heard shall certify under their Hands that it is necessary for the Purposes of Public Justice that the Prosecution should be conducted by the Guardians of the Union or Place, or, where there are no Guardians, by the Overseers of the Poor of the Place, in which the Offence shall be charged to have been committed, such Guardians or Overseers, as the Case may be, upon personal Service of such Certificate or a Duplicate thereof upon the Clerk of such Guardians or upon any One of such Overseers, shall conduct the Prosecution, and shall pay the Costs reasonably and properly incurred by them therein (so far as the same shall not be allowed to them under any Order of any Court) out of the Common Fund of the Union, or out of the Funds in the Hands of the Guardians or Overseers, as the Case may be; and, where there is a Board of Guardians, the Clerk or some other Officer of the Union or Place, and, where there is no Board of Guardians, One of the Overseers of the Poor, may, if such Justices think it necessary for the Purposes of Public Justice, be bound over to prosecute.

Costs of Prosecution.

Clerk of Guardians may be bound over to prosecute.

On a Conviction for Assault the Court may order Pay-

**74.** Where any Person shall be convicted on any Indictment of any Assault, whether with or without Battery and Wounding, or either of them, such Person may, if the Court think fit, in addition to any Sentence which the Court may deem proper for the Offence, be adjudged

adjudged to pay to the Prosecutor his actual and necessary Costs and Expenses of the Prosecution, and such moderate Allowance for the Loss of Time as the Court shall by Affidavit or other Inquiry and Examination ascertain to be reasonable; and, unless the Sum so awarded shall be sooner paid, the Offender shall be imprisoned for any Term the Court shall award, not exceeding Three Months, in addition to the Term of Imprisonment (if any) to which the Offender may be sentenced for the Offence.

ment of the Prosecutor's Costs by the Defendant.

**75.** The Court may, by Warrant under Hand and Seal, order such Sum as shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Offender, and paid to the Prosecutor, and that the Surplus, if any, arising from such Sale, shall be paid to the Owner; and in case such Sum shall be so levied the Imprisonment awarded until Payment of such Sum shall thereupon cease.

Such Costs may be levied by Distress.

**76.** Every Offence hereby made punishable on summary Conviction may be prosecuted in *England* in the Manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Forty-three, and may be prosecuted in *Ireland* before Two or more Justices of the Peace, or One Metropolitan or Stipendiary Magistrate, in the Manner directed by the Act of the Session holden in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed by any Act that may be passed for like Purposes; and all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if they were incorporated in this Act: Provided that nothing in this Act contained shall in any Manner alter or affect any Enactment now in force relating to Procedure, in the Case of any Offence punishable on summary Conviction, within the City of *London* or the Metropolitan Police District, or the Recovery or Application of any Penalty or Forfeiture for any such Offence.

Summary Proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93.

Except in in London and the Metropolitan Police District.

**77.** The Court before which any Misdemeanor indictable under the Provisions of this Act shall be prosecuted or tried may allow the Costs of the Prosecution in the same Manner as in Cases of Felony; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid and repaid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

The Costs of the Prosecution of Misdemeanors against this Act may be allowed.

**78.** Nothing in this Act contained shall extend to *Scotland*, except as herein-before otherwise expressly provided.

Act not to extend to Scotland.



**79.** This

Commencement of Act.

79. This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO]

# VICTORIÆ REGINÆ.

**********

## CAP. CI.

### An Act for promoting the Revision of the Statute Law by repealing divers Acts and Parts of Acts which have ceased to be in force.

[6th *August* 1861.]

WHEREAS with a view to the Revision of the Statute Law, and particularly to the Preparation of an Edition of the Statutes comprising only Enactments which are in force, it is expedient that divers Acts and Parts of Acts which have ceased to be in force otherwise than by express and specific Repeal should be expressly and specifically repealed:

And whereas the Acts mentioned in the Schedule to this Act have so ceased to be in force to the Extent specified in the Third Column of the said Schedule:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Acts mentioned in the Schedule to this Act shall be repealed to the Extent specified in the Third Column of the said Schedule, except as to any Operation already effected by, or Act done under, any Enactment herein comprised, or as to any Right, Title,

**Acts or Parts of Acts specified in Third Column of Schedule repealed.**

Title, Obligation, or Liability already acquired or accrued under any such Enactment.

Short Title. 2. This Act may be cited as The Statute Law Revision Act, 1861.

SCHE-

## SCHEDULE.

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 11 Geo. 3. c. 32. - | Militia Pay - - - | The whole. |
| „ c. 38. - | Greenland and Whale Fishery. - | The whole. |
| „ c. 55. - | Borough of New Shoreham Parliamentary Elections. | So much of sect. 5. as relates to the time for the proper officer proceeding to election. |
| 12 Geo. 3. c. 29. - | Spurn Point Lighthouses - - | The whole. |
| „ c. 30. - | Salaries of Justices of Chester and Great Sessions in Wales. | The whole. |
| „ c. 46. - | Prevention of Frauds in Excise Revenue, Tea, Soap, Low Wines and Spirits. | So much as relates to the manufacture of Low Wines and Spirits, and to Treble Costs. |
| „ c. 54. - | Oak Timber for Navy, Restraint on East India Company. | The whole. |
| „ c. 55. - | Trade between Great Britain and Ireland. | The whole. |
| „ c. 58. - | Encouragement of Herring Fishery, Isle of Man. | The whole. |
| „ c. 60. - | Drawback on Tea exported, &c. - | The whole. |
| „ c. 67. - | Incorporation of the Marine Society - | So much as relates to Stamp Duty, to Limitation of Actions for anything done in pursuance of the Act, to pleading of General Issue, and to Double Costs. |
| 13 Geo. 3. c. 23. - | Militia Pay - - - | The whole. |
| „ c. 33. - | Preservation of Timber Trees - - | The whole |
| „ c. 44. - | Drawback of Customs Duty on Exportation of Tea to America, &c. | The whole. |
| „ c. 51. - | Discouragement of frivolous and vexatious Suits in the Courts at Westminster for Cause of Action arising in Wales. | The whole. |
| „ c. 56. - | Retailing of Spirits, and Duties on Printed Calicoes, &c. | Sect. 5. |
| „ c. 58. - | Providing of Clergymen for Gaols - | The whole. |
| „ c. 62. - | Regulation of the Assize and making of Bread. | The whole. |
| „ c. 67. - | Importation of printed or painted Paper. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 13 Geo. 3. c. 72. - | Free Importation of Cod, &c. caught in the Gulf of St. Lawrence or on the Coast of Labrador. | The whole. |
| „ c. 73. - | Importation and Exportation, Dominica and Jamaica. | The whole. |
| „ c. 74. - | Tonnage of Vessels and Customs Duties. | The whole. |
| „ c. 80. - | Preservation of Game - - | The whole. |
| „ c. 81. - | Improvement of Commons - - | So much as relates to Double Costs. |
| „ c. 82. - | Regulation of Lying-in Hospitals, and Settlement of Bastard Children born in them. | So much as relates to Treble Costs. |
| 14 Geo. 3. c. 10. - | Exportation of Gum Senega - - | The whole. |
| „ c. 64. - | Ascertaining of the Prices of Corn - | The whole. |
| „ c. 65. - | Forfeited Estates (Scotland) Management. | The whole. |
| „ c. 70. - | Gold Recoinage - - - | The whole, except s. 7. |
| „ c. 72. - | Duty on printed, &c. Stuffs manufactured in Great Britain. | The whole, except s. 2. |
| „ c. 73. - | Distillation of Spirits, and Allowance to certain Manufacturers of the Duties on Soap. | The whole. |
| „ c. 74. - | Reduction of Duties upon Importation of Great Raisins. | The whole. |
| „ c. 78. - | Metropolitan Buildings Regulation, and Prevention of Mischiefs by Fire. | So much as relates to Time for Notice of Actions for anything done in pursuance of the Act, and to Treble Costs. |
| „ c. 79. - | Removal of Doubts concerning the Validity of Mortgages, &c. executed in Great Britain of Land, &c. in Ireland and the Colonies. | The whole. |
| „ c. 81. - | Election of Members of Parliament (Scotland). | The whole. |
| „ c. 92. - | Regulation of Weights used in weighing Gold and Silver Coin. | So much as relates to Salary of Officer to be paid by Warden of Mint. |
| 15 Geo. 3. c. 1. - | Importation of Indian Corn and Maize | The whole. |
| „ c. 10. - | Restraint of Commerce of Provinces of Massachuset's Bay, &c., and Colonies of Connecticut, &c. | The whole. |
| „ c. 18. - | Restraint of Commerce of Colonies of New Jersey, &c. | The whole. |
| „ c. 27. - | Admeasurement of Waggons, &c. used for loading Coals on board Ships. | So much as relates to Treble Costs. |
| „ c. 34. - | Encouragement of Manufacture of Rape Oil. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 15 Geo. 3. c. 36. - | Issue of Speaker's Warrants for Writs for Election of Members in the Place of Members dying or becoming Peers during the Recess. | The whole. |
| „ c. 37. - | Importation of painted Earthenware - | The whole. |
| „ c. 53. - | Copyright in Books given to the Universities, &c. | Sect. 6. and so much as relates to Plea of General Issue. |
| 16 Geo. 3. c. 5. - | Prohibition of Trade and Intercourse with Colonies of New Hampshire, &c. | The whole. |
| „ c. 8. - | Importation of salted Beef, &c. from Ireland. | The whole. |
| „ c. 37. - | Exportation of Wheat, &c. to certain Colonies in America, &c. | The whole. |
| „ c. 42. - | Landing of Corn, &c. imported into Port of Preston. | The whole. |
| 17 Geo. 3. c. 7. - | Granting of Commissions to Privateers to make Prize of Ships, &c. | The whole. |
| „ c. 8. - | East India Company, Election of Directors. | The whole. |
| „ c. 11. - | Prevention of Frauds and Abuses by Wool Combers, &c. in Yorkshire, Lancashire, and Cheshire. | Sects. 17, 18, 19. and so much as relates to Limitation of Actions for anything done in pursuance of the Act, as to pleading of General Issue, and as to Treble Costs. |
| „ c. 26. - | Registering of Grants of Life Annuities. | The whole. |
| „ c. 27. - | Allowance of Drawback of Duties of Customs on Exportation of Tea to Ireland. | The whole. |
| „ c. 33. - | Power to Master Dyers in Middlesex, Essex, Surrey, and Kent to employ Journeymen who have not served Apprenticeships. | The whole. |
| „ c. 39. - | Duties on Servants and on Glass, and on Persons having certain Quantities of Silver Plate. | The whole. |
| „ c. 40. - | Carrying of certain Captures into His Majesty's Dominions in North America. | The whole. |
| „ c. 50. - | Duties on Auctioneers Licences, Sales by Auction, and Instruments. | The whole, except s. 24. |
| „ c. 56. - | Prevention of Frauds by Persons employed in the Manufacture of Hats, &c. | Sect. 18. and so much as relates to Treble Costs. |
| „ c. 57. - | Copyright of Engravings - - | So much as relates to Double Costs. |
| 18 Geo. 3. c. 14. - | Militia Pay and Supply of Vacancies in Militia. | The whole. |
| „ c. 16. - | Exportation of Wheat Flour, &c. to Newfoundland, &c. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 18 Geo. 3. c. 18. - | Forgery of Acceptances of Bills, &c. with Intent to defraud Corporations. | The whole. |
| „ c. 24. - | Importation of Tobacco - | The whole. |
| „ c. 25. - | Importation of Corn into certain Ports | The whole. |
| „ c. 40. - | Customs - - - - | The whole. |
| „ c. 55. - | Exportation from Ireland to America, and Encouragement of the Fisheries, &c. of Ireland. | The whole. |
| „ c. 56. - | Importation of Cotton Yarn the Manufacture of Ireland Duty-free. | The whole. |
| „ c. 59. - | Militia and Fencibles - - | The whole. |
| 19 Geo. 3. c. 21. - | Licensing and regulating of Lottery Office Keepers. | The whole. |
| „ c. 25. - | Additional Duties upon the Produce of Customs and Excise Duties. | The whole. |
| „ c. 29. - | Landing of Corn, &c. in the Isle of Wight without Payment of Duties. | The whole. |
| „ c. 40. - | Duties on Starch - - - | The whole. |
| „ c. 41. - | Drawback of Wine Duties on Exportation to certain Parts. | The whole. |
| „ c. 48. - | Encouragement of Shipping and Navigation. | The whole. |
| „ c. 50. - | Prevention of Frauds by private Distillers. | The whole. |
| „ c. 51. - | Duties on Horses, &c. - - | The whole. |
| „ c. 52. - | Duty on Pilchards - - - - | The whole. |
| „ c. 53. - | Duties on Exportation of certain Cotton Wool, Discontinuance. | The whole. |
| „ c. 56. - | Duties on Auctioneers Licences and on Sales by Auction. | The whole. |
| „ c. 65. - | Augmentation of the Salaries of the Puisne Justices of the King's Bench and Common Pleas, and Barons of the Exchequer at Westminster. | The whole. |
| „ c. 66. - | Stamp Duties - - - | The whole. |
| „ c. 69. - | Prevention of Smuggling, &c. - | The whole. |
| „ c. 72. - | Militia and Fencibles - - | The whole. |
| „ c. 76. - | Augmentation of the Militia - | The whole. |
| 20 Geo. 3. c. 8. - | Militia — Delivery of Certificates of Qualification to Clerks of the Peace. | The whole. |
| „ c. 30. - | Additional Duties upon Wines and Vinegar imported. | The whole. |
| „ c. 34. - | Additional Duties on Salt - - | The whole. |
| „ c. 35. - | Additional Duties on Malt and upon Spirits, &c. | The whole. |
| „ c. 44. - | Militia - - - - - | The whole. |
| „ c. 51. - | Duties on Licences to let Horses for Hire. | The whole. |
| „ c. 52. - | Additional Duties on Starch and Hair Powder imported, and on Starch and Sweets made in Great Britain. | The whole. |
| „ c. 60. - | Fisheries in the Greenland Seas and Davis's Straits. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 21 Geo. 3. c. 7. - | Augmentation of the Militia - - | The whole. |
| „ c. 17. - | Additional Duty on the Produce of the Excise Duties. | The whole. |
| „ c. 32. - | Encouragement of the Manufacture of Verdigris. | The whole. |
| „ c. 34. - | Admeasurement of Coals, Westminster, &c. | The whole. |
| „ c. 51. - | Registration by Papists of their Names and Real Estates. | The whole. |
| „ c. 56. - | Duty on Almanacks - - - | The whole. |
| „ c. 60. - | Agreement with Bank of England for advancing Two Millions. | The whole. |
| „ c. 68. - | Punishment of Stealers of Copper, Brass, &c. fixed to Houses. | The whole. |
| „ c. 69. - | Punishment of Receivers of stolen Pewter. | The whole. |
| 22 Geo. 3. c. 21. - | Customs Duties - - - | The whole. |
| „ c. 28. - | Additional Duty upon Tobacco and Snuff, and Duties upon Importation of Brandy and Arrack. | The whole. |
| „ c. 31. - | Borough of Cricklade, Parliamentary Elections. | So much of s. 5. as relates to the Time for the proper Officer proceeding to Election. |
| „ c. 33. - | Stamp Duty upon Bills and Notes - | The whole. |
| „ c. 39. - | Duties on Salt - - - | The whole. |
| „ c. 49. - | Rectifying of a Mistake in an Act of this Session. | The whole. |
| „ c. 58. - | Discovery and Punishment of Buyers and Receivers of Stolen Goods. | The whole. |
| „ c. 61. - | Duty upon Bees Wax imported - | The whole. |
| „ c. 62. - | Militia - - - - - | The whole. |
| „ c. 64. - | Houses of Correction - - | The whole. |
| „ c. 66. - | Additional Duties of Customs and Excise. | The whole. |
| „ c. 68. - | Duties on Beer and Coaches, &c. - | The whole. |
| 23 Geo. 3. c. 11. - | Customs, &c. Regulations - | The whole. |
| „ c. 49. - | Duties on Bills of Exchange, &c. - | The whole. |
| „ c. 56. - | Allowance of Drawback of Customs on Exportation of Rice. | The whole. |
| „ c. 58. - | Stamp Duties - - - | The whole. |
| „ c. 62. - | Stamp Duty on Licences for vending Medicines, &c. | The whole. |
| „ c. 63. - | Duty on Stage Coaches, &c. - - | The whole. |
| „ c. 65. - | African Company - - - | The whole. |
| „ c. 75. - | Duties on Smalts and Tobacco - | The whole. |
| „ c. 76. - | Prevention of Frauds in Landing of Wines, &c. | The whole. |
| „ c. 77. - | Encouragement of Manufacture of Flax and Cotton. | The whole. |
| „ c. 79. - | Encouragement of Growth of Coffee and Cocoa Nuts. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 23 Geo. 3. c. 82. - | Regulation of the Receipt of the Exchequer. | The whole. |
| " c. 83. - | East India Company—Allowance of further Time for Payment of their Debt to the Public. | The whole. |
| " c. 88. - | Rogues and Vagabonds - - | The whole. |
| 24 Geo. 3. Sess. 1. c. 7. | Duties on Bills of Exchange, &c. - | The whole. |
| " c. 12. | Removal of Prisoners and Transportation. | The whole. |
| " c. 13. | Militia Pay, &c. - - - | The whole. |
| 24 Geo. 3. Sess. 2. c. 3. | Prevention of Frauds and Abuses by Persons employed in Woolcombing, &c., Suffolk. | Sects. 19, 20, 21, and so much as relates to limitation of actions for anything done in pursuance of the Act, as to pleading of General Issue, and as to Treble Costs. |
| " c. 11. | Additional Duties upon Candles - | The whole. |
| " c. 16. | Customs, &c. Duties - - | The whole, except so much as relates to the Duties payable to the Corporation of London. |
| " c. 30. | Additional Duty upon Licences for retailing Beer, &c. | The whole. |
| " c. 34. | East India Company - - | The whole. |
| " c. 36. | Duties on Wax Candles - - | The whole. |
| " c. 38. | Duties on Tea, Inhabited Houses, and Cocoa Nuts and Coffee. | The whole. |
| " c. 40. | Duties on Linens, printed, painted, stained, or dyed in Great Britain, &c. | The whole. |
| " c. 41. | Duties on Licences to be taken out by the Makers of and Dealers in certain exciseable Commodities. | The whole. |
| " c. 43. | Duties on Certificates for killing Game, | The whole. |
| " c. 46. | Duties on Spirits - - - | The whole. |
| " c. 48. | Duties on Starch and Soap - | The whole. |
| " c. 49. | Duties upon Silk imported, and Drawbacks upon Exportation of Silk Manufactures. | The whole. |
| " c. 51. | Duty on Licences for vending Hats, &c. | The whole. |
| " c. 53. | Duties on Gold and Silver Plate imported, and on Gold and Silver wrought Plate made in Great Britain | Customs Duties and Stamp Duties granted by. |
| " c. 54. | Gaols - - - - | The whole. |
| " c. 55. | Houses of Correction - - | The whole. |
| 25 Geo. 3. c. 22. - | Distillation of Spirits in small Stills in certain Counties in the Highlands. | Duty granted by. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 25 Geo. 3. c. 40. - | Prevention of Frauds by Woolcombers, &c. in certain Counties. | Sects. 21, 22, 23, and so much as relates to limitation of actions for anything done in pursuance of the Act, as to pleading of general issue, and as to treble costs. |
| „ c. 46. - | Transportation, &c. - - - | The whole. |
| „ c. 48. - | Duties on Pawnbrokers Licences - | Duties granted by. |
| „ c. 49. - | Duties on Coachmakers Licences, and on Carriages built for Sale. | The whole. |
| „ c. 50. - | Duties on Certificates for killing Game. | The whole. |
| „ c. 58. - | Encouragement of the Pilchard Fishery. | The whole. |
| „ c. 63. - | Salt Duties - - - - | The whole. |
| „ c. 65. - | Encouragement of the Fisheries - | The whole. |
| „ c. 69. - | Duties upon Oil Flasks, &c. - - | The whole. |
| „ c. 72. - | Duties on Linens printed, &c. in Great Britain, &c. | The whole. |
| „ c. 73. - | Allowance to Brewers for Waste - | The whole. |
| „ c. 74. - | Duties on Tea—Exportation of Exciseable Commodities, &c. | Duties granted by, and Sects. 16–21. and 25–31. |
| „ c. 80. - | Duties on Attorneys Certificates, &c. | Duties granted by. |
| 26 Geo. 3. c. 25. - | Appointment of Governor General and Council of Fort William in Bengal. | The whole. |
| „ c. 36. - | Salt Duties — Importation and Exportation, Isle of Man. | The whole. |
| „ c. 38. - | Imprisonment under Process of Small Debts Courts, &c. | The whole, except Sects. 7 and 8. |
| „ c. 40. - | Production of Manifests, &c. - - | The whole, except ss. 18. and 19. |
| „ c. 41. - | Fisheries in the Greenland Seas and Davis's Straits. | The whole. |
| „ c. 42. - | Additional Duty upon Battens and Deals imported. | The whole. |
| „ c. 46. - | Salaries of Judges (Scotland) - - | The whole. |
| „ c. 48. - | Stamp Duties (Scotland) - - | Duties granted by. |
| „ c. 49. - | Stamp Duties on Perfumery - - | The whole. |
| „ c. 51. - | Duties on Starch - - - | The whole. |
| „ c. 59. - | Duties on Wine - - - | Duties granted by. |
| „ c. 64. - | Duties on Spirits (Scotland) - - | Duties granted by. |
| „ c. 73. - | Duties on Spirits - - - | Duties granted by. |
| „ c. 74. - | Additional Duties on Sweets, &c. - | Excise duty granted by. |
| „ c. 77. - | Excise Duties - - - | Sects. 5, 6, 7, 9. |
| „ c. 82. - | Stamp Duties, and Duties on Policies of Fire for Insurance as to Property abroad. | Sect. 7. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 26 Geo. 3. c. 90. - | Salt Duties; making of Mineral Alkali or Flux for Glass. | The whole. |
| „ c. 91. - | Regulation of Madhouses - - | The whole. |
| „ c. 99. - | Ascertaining of Fees to be taken by Officers of the Exchequer. | The whole. |
| 27 Geo. 3. c. 19. - | Shipping and Navigation - - | The whole. |
| „ c. 27. - | Importation and Exportation, West Indies. | The whole. |
| „ c. 29. - | Objections to Competency of Witnesses. | The whole. |
| „ c. 30. - | Additional Duties on Licences for the retailing of Spirituous Liquors. | The whole. |
| „ c. 31. - | Allowances to Dealers in Foreign Wines for certain Wines in Stock—Amendment of Excise Laws. | The whole, except sect. 25. |
| „ c. 48. - | County Palatine of Chester—Swearing of Affidavits, &c. | The whole. |
| 28 Geo. 3. c. 27. - | Reduction of Duties on Importation of Goods from the United Provinces. | The whole. |
| „ c. 28. - | Exemption of Stipendiary Curates Licences from Stamp Duties. | The whole. |
| „ c. 33. - | Alteration of Duties and Drawbacks on certain Wine, &c. | The whole. |
| „ c. 34. - | Quarantine and Customs - - | The whole. |
| „ c. 37. - | Certain Duties of Excise and Customs. | The whole, except sect. 15. |
| „ c. 38. - | Exportation of Sheep, &c. - - | The whole. |
| „ c. 49. - | Power for Justices to act out of the Counties in which they are. | The whole. |
| „ c. 53. - | Indemnifying Persons against certain Penalties incurred in the Coal Trade, and preventing Combinations in the Coal Trade. | The whole. |
| 29 Geo. 3. c. 26. - | Duty on Hawkers, &c. - - | The whole. |
| „ c. 49. - | Duties on Horses and Carriages - | The whole. |
| „ c. 50. - | Additional Duties on Newspapers, Advertisements, Cards, and Dice. | The whole. |
| „ c. 51. - | Additional Stamp Duties on Probate of Wills, &c. | Duties granted by. |
| „ c. 53. - | Encouragement of the Newfoundland, Greenland, and Southern Whale Fisheries. | The whole. |
| „ c. 59. - | Drawback on Exportation of Teas to Guernsey, &c. | The whole. |
| „ c. 63. - | Exemption of Piece Goods woven in this Kingdom from Auction Duty. Licences for selling Spirituous Liquors, &c. | Sects. 1, 2, 3, 4. |
| „ c. 67. - | Regulation of Gaols - - | The whole. |
| 30 Geo. 3. c. 4. - | Exemption of unwrought Tin, exported to certain Parts, from Customs Duty. | The whole. |
| „ c. 26. - | Exemption of Goods imported from Yucatan from Auction Duty, &c. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 30 Geo. 3. c. 27. - | Encouragement of new Settlers in the Colonies of America. | The whole. |
| " c. 28. - | Duty on Cashew Gum imported from the West Indies. | The whole. |
| " c. 37. - | Duties on Spirits (Scotland) - | Duty granted by. |
| " c. 38. - | Duties on Licences for retailing Wine, &c. | Duty granted by. |
| " c. 41. - | Importations from North America of Rape Seed, &c. | The whole. |
| 31 Geo. 3. c. 1. - | Duties on Worts and Spirits, &c. - | The whole. |
| " c. 5. - | Additional Duties on Amount of Assessed Taxes. | The whole. |
| " c. 15. - | Duty on Sugar imported - - | The whole. |
| " c. 21. - | Duty on Certificates for killing Hares | The whole. |
| " c. 25. - | Duties on Bills of Exchange, &c. - | Duties granted by. |
| " c. 26. - | Importation of Seal Skins - - | The whole. |
| " c. 27. - | Duties on Tanned Goat Skins, &c. - | The whole. |
| " c. 37 - | Importation of Silk Crapes, &c. of the Manufacture of Italy. | The whole. |
| " c. 42. - | Indemnity in respect of a certain Order in Council. Duties on Importation of Salt Petre. | The whole. |
| " c. 43. - | Continuance of several Laws, &c. - | The whole. |
| " c. 46. - | Regulation of Gaols - - - | The whole. |
| " c. 47. - | Importation and Exportation of Tobacco and Snuff. | The whole. |
| " c. 51. - | Protection of the Oyster Fisheries - | The whole. |
| " c. 55. - | Establishment of the Sierra Leone Company. | The whole. |
| " c. 56. - | Prevention of Frauds and Abuses by Wool Combers, &c. in Norfolk. | Sects. 22, 23, 24, and so much as relates to Limitation of Actions for anything done in pursuance of the Act, as to pleading of General Issue, and as to Treble Costs. |
| 32 Geo. 3. c. 9. - | Exportation of Tea to Ireland or America. | The whole. |
| " c. 10. - | Execution of Warrants for Apprehension of Persons convicted of Offences against Excise Laws. | The whole. |
| " c. 11. - | Sales by Auction - - - | The whole. |
| " c. 12. - | Grant towards Reduction of National Debt. | The whole. |
| " c. 22. - | Encouragement of Fisheries in Greenland Seas and Davis's Straits. | The whole. |
| " c. 37. - | Importation and Exportation at certain Ports. | The whole. |
| " c. 41. - | Auction Duty - - - | The whole. |
| " c. 45. - | Rogues and Vagabonds - - | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 32 Geo. 3. c. 48. - | Sessions of the Peace and of Oyer and Terminer for Middlesex. | The whole. |
| „ c. 49. - | Importation of Quercitron, &c. - | The whole. |
| „ c. 51. - | Exemption of Letters between Merchants from Stamp Duty. | The whole. |
| „ c. 54. - | Duties on Foreign printed, &c., Papers. | The whole. |
| „ c. 55. - | Reduction of National Debt - | The whole. |
| „ c. 65. - | Trade into Levant Seas - - | The whole. |
| 33 Geo. 3. c. 5. - | Relief of Debtors from Imprisonment | The whole. |
| „ c. 22. - | Grant towards Reduction of National Debt. | The whole. |
| „ c. 23. - | Quality of Table Beer - - | The whole. |
| „ c. 28. - | Loan on Annuities, Excise Duties, &c. | So much as relates to Excise Duties, Assessed Taxes, Consolidated Fund, and Treble Costs. |
| „ c. 29. - | Exchequer Bills for Loans - - | The whole. |
| „ c. 30. - | Prevention of Forgeries and Frauds in Transfer of Funds transferable at the Bank of England. | The whole. |
| „ c. 33. - | Making of Salt - - - | The whole. |
| „ c. 57. - | Regulation of warehoused Tobacco - | The whole. |
| „ c. 58. - | Premiums to Ships carrying on Southern Whale Fishery. | The whole. |
| „ c. 61. - | Distilleries (Scotland) - - | Duties granted by. |
| „ c. 63. - | Importation into Great Britain of certain Goods imported into Ireland. | The whole. |
| „ c. 68. - | Judgments of Courts of Great Sessions, &c. of Wales, Cheshire, Lancaster, and Durham, and County Courts in Wales. | So much as relates to Court of Great Sessions in Wales. |
| „ c. 69. - | Duties on Coal, Licences for Sale of Spirits, &c. (Scotland). | Duties granted by. |
| 34 Geo. 3. c. 2. - | Additional Duties upon Worts, Wash, &c. in England, and upon Spirits in Scotland. | The whole. |
| „ c. 3. - | Additional Duties on Spirits imported | The whole. |
| „ c. 4. - | Duties on Spirits and Sugar imported | The whole. |
| „ c. 14. - | Stamp Duties on Indentures of Clerkship to Solicitors and Attornies. | Duties granted by. |
| „ c. 21. - | Annuities and Payment of Navy and Victualling Bills. | Sect. 18. |
| „ c. 33. - | Duties of Excise - - - | The whole. |
| „ c. 42. - | Grant to Foreign Ships put under His Majesty's Protection of the Privileges of Prize Ships, &c. | The whole. |
| „ c. 45. - | Establishment of a Court of Criminal Jurisdiction in Norfolk Island. | The whole. |
| „ c. 48. - | Grant towards Reduction of National Debt. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 34 Geo. 3. c. 63. - | Allowing of the Exercise of an Invention of a new Method of tanning Hides and Skins. | The whole. |
| „ c. 75. - | Management of Land Revenues of Crown. | The whole. |
| 35 Geo. 3. c. 10. - | Additional Duties of Excise on Foreign Wine and Sweets. | The whole. |
| „ c. 11. - | Additional Duties of Excise on Worts, Wash, &c. for Spirits, and Use of Wheat in making Wash. | The whole. |
| „ c. 12. - | Additional Duties of Excise on Foreign Spirits. | The whole. |
| „ c. 13. - | Additional Duties of Excise on Tea, Coffee, and Cocoa Nuts. | The whole. |
| „ c. 20. - | Duties of Customs - - - | The whole. |
| „ c. 23. - | Grant towards the Reduction of the National Debt. | The whole. |
| „ c. 30. - | Stamp Duties - - - | The whole. |
| „ c. 31. - | Prevention of Smuggling - - | The whole. |
| „ c. 38. - | Continuance of various Laws - | The whole. |
| „ c. 49. - | Duty on Hair Powder Certificates - | The whole. |
| „ c. 59. - | Duties on Scotch Distilleries, &c. - | The whole. |
| „ c. 89. - | Duties on Spirits - - - | The whole. |
| „ c. 91. - | Regulation of Hawkers and Pedlars - | The whole. |
| „ c. 93. - | Guarantee of Dividends on Loan to Emperor of Germany. | The whole. |
| „ c. 96. - | Relief of Persons detained in Gaol for Want of Bail in certain Cases relating to the Revenue. | The whole. |
| „ c. 97. - | Duties of Excise on tanned Hides and Skins. | The whole. |
| „ c. 109. - | Carriage Duties - - - | The whole. |
| „ c. 110. - | Drawback on Exportation of Sugar - | The whole. |
| „ c. 117. - | Importation of Rape and other Seeds | The whole. |
| „ c. 118. - | Warehousing of Wines, &c - - | The whole. |
| 36 Geo. 3. c. 13. - | Additional Excise Duties on Tobacco and Snuff. | The whole. |
| „ c. 14. - | Additional Duties on Amount of Duties under Commissioners of Taxes. | The whole. |
| „ c. 18. - | Drawbacks and Bounties on Exportation of Sugar. | The whole. |
| „ c. 19. - | Duties on Salt - - - | The whole. |
| „ c. 22. - | Making of Bread - - - | The whole. |
| „ c. 53. - | Exportation of Rock Salt - - | The whole. |
| „ c. 55. - | Making of Port of Scarborough (Island of Tobago) a free Port. | The whole. |
| „ c. 78. - | Duty on Mahogany imported - - | The whole. |
| „ c. 79. - | Duty on Black Lead imported - - | The whole. |
| „ c. 105. - | Grant towards Reduction of the National Debt. | The whole. |
| „ c. 113. - | Importation of Arrowroot, &c. - | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 36 Geo. 3. c. 123. - | Additional Duties on Foreign Wines and British Sweets. | The whole. |
| „ c. 125. - | Duty on Hats - - - | The whole. |
| 37 Geo. 3. c. 14. - | Excise Duties on various Matters - | The whole. |
| „ c. 15. - | Duties of Customs - - - | The whole. |
| „ c. 16. - | Additional Stage Coach Duties - | The whole. |
| „ c. 17. - | Additional Duties on Distilleries (Scotland), &c. | The whole. |
| „ c. 18. - | Postage - - - - - | The whole. |
| „ c. 26. - | More speedy Payment of Navy, Victualling, and Transport Bills. | The whole. |
| „ c. 28. - | Issue of Bank of England Notes under 5*l.* | The whole. |
| „ c. 59. - | Loan to the Emperor of Germany - | The whole. |
| „ c. 63. - | Grant to Foreign Ships put under His Majesty's Protection of the Privileges of Prize Ships, &c. | The whole. |
| „ c. 69. - | Additional Duties on Amount of certain Duties under the Management of Commissioners of Taxes. | The whole. |
| „ c. 77. - | Making of Port of San Josef in Trinidad a free Port. | The whole. |
| „ c. 102. - | Scotch Distilleries - - - | The whole. |
| „ c. 105. - | Additional Duties on Inhabited Houses. | The whole. |
| „ c. 108. - | Duties on Clocks and Watches - | The whole. |
| „ c. 110. - | Customs Duties - - - | The whole. |
| „ c. 111. - | Additional Stamp Duty on Deeds - | The whole. |
| „ c. 115. - | Grant towards Reduction of National Debt. | The whole. |
| „ c. 118. - | Height between Decks of Vessels carrying Slaves. | The whole. |
| „ c. 121. - | Encouragement of the Southern Whale Fisheries. | The whole. |
| „ c. 124. - | Frauds by Bankrupts Prevention - | The whole. |
| „ c. 141. - | Sending and receiving of Letters free of Postage by Deputy Clerk of House of Commons. | The whole. |
| 38 Geo. 3. c. 13. - | Augmentation of 60th Regiment by Enlistment of Foreigners, &c. | The whole. |
| „ c. 16. - | Grant of an Aid and Contribution for the Prosecution of the War. | The whole. |
| „ c. 39. - | Importation and Exportation, West Indies. | The whole. |
| „ c. 42. - | Excise Duty on Tea, &c. - - | The whole. |
| „ c. 43. - | Additional Duties on Salt - - | The whole. |
| „ c. 45. - | Purchase of Debts due to the Governments of Switzerland, &c. | The whole. |
| „ c. 47. - | Grant for Reduction of National Debt. | The whole. |
| „ c. 50. - | Aliens - - - - | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 38 Geo. 3. c. 53. - | Duties on Certificates issued with respect to Armorial Bearings or Ensigns. | The whole. |
| „ c. 54. - | Laws of Excise Amendment - | The whole. |
| „ c. 62. - | Assize of Bread - - - | The whole. |
| „ c. 71. - | Copyright of Models, &c. - - | The whole. |
| „ c. 81. - | Aid and Contribution for Prosecution of the War. | The whole. |
| „ c. 85. - | Stamp Duties - - - | The whole, except Sections 4 and 5. |
| „ c. 89. - | Salt Duties - - - - | The whole. |
| „ c. 92. - | Scotch Distilleries - - - | The whole. |
| 39 Geo. 3. c. 13. - | Duties on Income - - - | The whole. |
| „ c. 22. - | Duties on Income - - - | The whole. |
| „ c. 38. - | Continuance of various Acts relating to Importation, &c. | The whole. |
| „ c. 42. - | Duties on Income - - - | The whole. |
| „ c. 45. - | Making perpetual of Enactment altering Punishment of Burning in the Hand. | The whole. |
| „ c. 63. - | Duties on Sugar and Coffee - - | The whole. |
| „ c. 64. - | Grant for Reduction of National Debt. | The whole. |
| „ c. 65. - | Bounty on Pilchards exported and Salt Duties. | The whole. |
| „ c. 72. - | Duties on Income - - - | The whole. |
| „ c. 75. - | Prohibition of Exportation of Light Silver Coin of the Realm, &c. | The whole. |
| „ c. 77. - | Salt Duties - - - | The whole. |
| „ c. 78. - | Duties on Distilleries (Scotland) - | The whole. |
| „ c. 80. - | Carrying of Slaves from Africa - | The whole. |
| „ c. 83. - | Transfer to Commissioners for auditing Public Accounts of Duties of Auditors of Land Revenue. | The whole. |
| „ c. 85. - | Embezzlement - - - | The whole. |
| „ c. 94. - | Salary of Master and Worker of the Mint. | The whole, except s. 5. |
| „ c. 99. - | Trade to the Levant Seas, and Reduction of certain Export Duty. | The whole. |
| „ c. 104. - | Augmentation of the 60th Regiment by Enlistment of Foreigners. | The whole. |
| „ c. 107. - | Stamp Duties on Bills of Exchange and Promissory Notes. | Duties imposed, and s. 25. |
| 39 & 40 Geo. 3. c. 11. | Appropriation of certain Duties - | The whole. |
| „ c. 23. | Duties of Excise on Spirits and Tea - | The whole. |
| „ c. 26. | Grant towards Reduction of National Debt. | The whole. |
| „ c. 32. | Exemptions from Duties on Hair Powder, and Horses of Officers in the Navy, and Persons in Volunteer Cavalry Corps. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 39 & 40 Geo. 3. c. 44. | Allowances to Adjutants, &c. of Militia (England). | The whole. |
| " c. 45. | Perpetuation of an Act relating to Duties on Glass, and Continuance of various Acts. | The whole. |
| " c. 49. | Duties on Income - - - | The whole. |
| " c. 55. | Salaries of Scotch Judges - - | The whole. |
| " c. 60. | Duties on Wine, &c., imported from the Cape of Good Hope. | The whole. |
| " c. 72. | Amendment of Law relating to Stamp Duties. | Sects. 3, 4, 5, 9, 11, 12, and 19. |
| " c. 73. | Duties on Distillation (Scotland) - | The whole. |
| " c. 74. | Price and Assize of Bread - - | The whole. |
| " c. 95. | Indemnity to Printers of public Documents against certain Penalties. | The whole. |
| " c. 96. | Duties on Income - - - | The whole. |
| 41 Geo. 3. (G.B.) c. 21. | Use of Salt, Duty free, in preserving Fish; Protection from Impressment; and Discontinuance of Bounty on White Herrings. | The whole. |
| " c. 22. | Appointment of Commissioners for Examination of Accounts of Expenditure in the West Indies during present War. | The whole. |
| " c. 23. | Making of the Port of Amsterdam, in the Island of Curaçao, a Free Port. | The whole. |
| " c. 25. | Importation of undressed Hemp from Countries within the Limits of the exclusive Trade of the East India Company, free of Duty. | The whole. |
| " c. 30. | Amendment of Act for erecting a Lazaret at Chetney Hill, and reducing into One Act the Laws relating to Quarantine, &c. | The whole. |
| 41 Geo. 3. (U.K.) c. 10. | Additional Stamp Duties on Bills, &c. and Deeds. | The whole. |
| " c. 28. | Certain Customs' Duties - - | The whole. |
| " c. 29. | Additional Duty on English Spirits imported into Scotland, &c. | The whole. |
| " c. 33. | Duties on Tea, Sugar, and Coals (Ireland). | The whole. |
| " c. 42. | Sale of Elephant Oil free of Auction Duty (Great Britain). | The whole. |
| " c. 48. | Licences for Sale of Wine, Ale, &c. (Ireland). | The whole. |
| " c. 62. | Exemption of Irish Members of Parliament, &c. from Payment of certain Duties. | The whole. |
| " c. 65. | Grant towards Redemption of National Debt. | The whole. |
| " c. 68. | Duties and Drawbacks on Copper - | The whole. |
| " c. 74. | Drawbacks on Sugar, &c. (Ireland) - | The whole. |
| " c. 80. | Indemnity to Printers of Public Documents against certain Penalties. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 41 Geo. 3. (U.K.) c. 86. | Additional Stamp Duties on Cards, Dice, Probates of Wills, Deeds, Ale Licences &c., (Great Britain). | The whole, except sect. 3. |
| " c. 87. | Duties of Customs on Playing Cards (Great Britain). | The whole. |
| " c. 89. | Duty on Importation of Statues - | The whole. |
| " c. 91. | Regulation, &c. of certain Excise Duties. | The whole. |
| " c. 98. | Militia Pay (Ireland) - - | The whole. |
| 42 Geo. 3. c. 14. - | Manufacture of Starch from Potatoes, &c. | The whole. |
| " c. 20. | Duties on Rum for Ships' Stores; Exportation and Importation, &c. | The whole. |
| " c. 24. - | Duties on Cinnamon, Cassia Lignea, &c. | The whole. |
| " c. 34. - | Additional Duties on Windows and on Inhabited Houses (Great Britain). | The whole. |
| " c. 37. - | Additional Duties on Servants, Carriages, Horses, Mules, and Dogs (Great Britain). | The whole. |
| " c. 38. - | Additional Duties on Beer, Ale, Malt, and Hops (Great Britain); on Spirits (Ireland), &c. | The whole. |
| " c. 43. - | Duties of Customs and Tonnage (Great Britain). | The whole. |
| " c. 47. - | Duties on Sugar and Coffee exported, &c. (Great Britain). | The whole. |
| " c. 56. - | Stamp Duties - - - | Duties imposed. |
| " c. 61. - | Encouragement of Irish Mariners, &c. | The whole. |
| " c. 66. - | Yeomanry and Volunteers - - | The whole. |
| " c. 70. - | Public Accounts - - - | The whole. |
| " c. 71. - | Reduction of the National Debt - | The whole. |
| " c. 77. - | Pacific Ocean Fisheries - - | The whole. |
| " c. 93. - | Duties of Excise on Wines, Home made Spirits, &c. | The whole. |
| " c. 103. - | Repeal, &c. of certain Duties (Ireland). | The whole. |
| " c. 112. - | Grant towards the Redemption of National Debt. | The whole. |
| " c. 117. - | Additional Import and Export Duties (Ireland). | The whole. |
| 43 Geo. 3. c. 2. - | Enrolment of Militia (Ireland) - | The whole. |
| " c. 7. - | Payment of Navy, Victualling, and Transport Bills. | The whole. |
| " c. 19. - | Militia, Extension of Period of Training and Exercise (Great Britain). | The whole. |
| " c. 33. - | Enrolment of Militia (Ireland) - | The whole. |
| " c. 48. - | East India Company Volunteer Corps - | The whole. |
| " c. 69. - | Excise Duties (Great Britain) - - | The whole. |
| " c. 90. - | Enlargement of the Limits of the Southern Whale Fishery. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal |
|---|---|---|
| 43 Geo. 3. c. 92. - | Import and Export Duties, &c. (Ireland). | The whole. |
| „ c. 98. - | Collection of Revenue upon Malt; Regulation of Distilling Trade (Ireland). | The whole. |
| „ c. 113. - | Wilful casting away of Vessels, &c. - | The whole. |
| „ c. 118. - | Discovery of Longitude at Sea, &c. | The whole. |
| „ c. 124. - | Additional Military Force, and Militia; Exemptions from (Scotland). | The whole. |
| „ c. 130. - | Duties on Auctioneers, &c. - - | The whole. |
| „ c. 131. - | Additional Customs Duty on Lignum Quassia (Great Britain). | The whole. |
| „ c. 152. - | Pilots of Dover, Deal, and Isle of Thanet. | The whole. |
| „ c. 158. - | Grant for building Glebe Houses (Ireland). | The whole. |
| 44 Geo. 3. c. 18. - | Volunteers and Yeomanry (Great Britain). | The whole. |
| „ c. 33. - | Augmentation of Militia (Ireland) - | The whole. |
| „ c. 44. - | Newfoundland Trade, Exemption of Vessels from Passenger Act. | The whole. |
| „ c. 49. - | Additional Duties on Wine imported (Great Britain). | The whole. |
| „ c. 58. - | Laying of certain public Accounts before Parliament (Ireland). | The whole. |
| „ c. 71. - | Counterfeit Dollars and Tokens (England and Ireland). | The whole |
| „ c. 102. - | Habeas Corpus ad Testificandum (England and Ireland). | Sect. 2. |
| 45 Geo. 3. c. 14. - | Additional Salt Duties (Great Britain). | The whole. |
| „ c. 29. - | Additional Customs Duties (Great Britain). | The whole. |
| „ c. 30. - | Additional Duties of Excise (Great Britain). | The whole. |
| „ c. 42. - | Counterfeiting of Bank of Ireland Silver Tokens, &c. | The whole. |
| „ c. 44. - | Duty on Slates brought Coastwise within Great Britain. | The whole. |
| „ c. 45. - | Additional Duties on Wine imported, and Drawbacks to Naval Officers. | The whole. |
| „ c. 53. - | Collection of Malt Duties and Regulation of the Trade of Maltsters (Ireland). | The whole. |
| „ c. 67. - | Additional Duties on Spanish Red Wine (Great Britain). | The whole. |
| „ c. 75. - | Appointments to certain Offices in the Court of Chancery made during Vacancy of the Office of Register, &c. | The whole. |
| „ c. 88. - | Duties on Cochineal Dust and Granilla. | The whole. |
| „ c. 91. - | Appointment of additional Commissioners for auditing Public Accounts. | The whole. |

*Statute Law Revision.*

| Act | Subject | Extent of Repeal. |
|---|---|---|
| 45 Geo. 3. c. 93. - | Drawbacks and Bounties on Sugar exported from Great Britain. | The whole. |
| " c. 98. - | Increase of Drawback on Linens exported from Great Britain to West Indies. | The whole. |
| " c. 100. - | Distillation of Spirits in England for Exportation to Scotland, and vice versâ, &c. | The whole. |
| " c. 103. - | Additional Duties on Importation of Straw Platting, Hats, and Bonnets. | The whole. |
| " c. 123. - | Grant of Annuity to Duke of Atholl and Heirs general of Seventh Earl of Derby. | The whole. |
| 46 Geo. 3. c. 11. - | Exportation of Corn, &c. for the Use of His Majesty's Forces and Garrisons. | The whole. |
| " c. 35. - | Exemption from Stamp Duties of Notes, &c. of the Bank of Ireland. | The whole. |
| " c. 38. - | Customs and Excise Duties upon Tea | The whole. |
| " c. 44. - | Certain Wine Duties carried to the Consolidated Fund. | The whole. |
| " c. 45. - | Office of Treasurer of the Ordnance | The whole. |
| " c. 52. - | Slave Trade - - - | The whole. |
| " c. 64. - | Stamp Duties (Ireland) - - | The whole. |
| " c. 75. - | Office of Receiver General of Excise Duties (England). | The whole. |
| " c 78. - | Increase in Amount of Assessed Taxes (Great Britain). | The whole. |
| " c. 87 - | Consolidation and Amendment of Laws relating to Collection of Customs Duties, and Payment of Drawbacks (Ireland). | The whole. |
| " c. 97. - | Free Interchange of Grain between Great Britain and Ireland. | The whole. |
| " c. 102. - | Duties on Stills and Spirits, &c. (Scotland). | The whole. |
| " c. 109. - | Bounty on refined Sugar, &c. (Great Britain). | The whole. |
| " c. 110. - | Additional Bounty on Silk Manufactures (Great Britain). | The whole. |
| c. 114. - | Drawback on Linens exported to the West Indies. | The whole. |
| " c 115. - | Exportation of Raisins, Currants, and Figs from Great Britain, Duty free. | The whole |
| " c. 124. - | Volunteers from Irish Militia - | The whole. |
| " c. 128. - | Salaries and retiring Allowances to Masters in Chancery. | The whole. |
| " c. 138. - | Excise; Countervailing Duty on Hops, Window Glass, &c. (Ireland). Exemption of Draining Tiles. | Duties and Drawbacks on Glass. |
| " c. 142. - | Office of Surveyor-General of Woods and Forests. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 46 Geo. 3. c. 151. - | Crown Lands; New Leases on former Rents for Charitable Institutions, &c. | The whole. |
| 47 Geo. 3. Sess. 1. c. 7. | Interchange of Grain between Great Britain and Ireland. | The whole. |
| " c. 12. | Abolition and Regulation of Offices in the Customs (Ireland). | The whole. |
| " c. 18. | Excise Duties and Taxes (Ireland) - | Duties on Sweets and Made Wines. |
| " c. 19. | Drawbacks on Sugar, &c. (Ireland) - | The whole. |
| " c. 35. | Duties on Excise Licences (Ireland) - | The whole. |
| " c. 36. | Abolition of the Slave Trade - | The whole. |
| " c. 38. | Paper Duties (Ireland) - - | The whole. |
| " c. 40. | Duties, &c. on Malt and Spirits (Ireland). | The whole. |
| " c. 47. | Prize Money on Captures by Foreign, in conjunction with British, Ships. | The whole. |
| " c. 50. | Stamp Duties (Ireland) - - | The whole. |
| " c. 55. | Charge of Loan upon War Duties of Customs, &c. | The whole. |
| 47 Geo. 3. Sess. 2. c. 10. | Export of salted Beef and Pork (Ireland). | The whole. |
| " c. 11. | Assessed Taxes, Excise Duties, &c. Recovery of Penalties (Ireland). | The whole. |
| " c. 14. | Excise and Stamp Duties (Ireland) - | The whole. |
| " c. 16. | Duties, &c. on Importation and Exportation. | The whole. |
| " c. 19. | Trade of rectifying Spirits (Ireland) - | The whole. |
| " c. 20. | Power to appoint the Chancellor of the Exchequer of Ireland one of the Commissioners of the Treasury in England. | The whole. |
| " c. 23. | Grant for Glebe Houses (Ireland) - | The whole. |
| " c. 30. | Excise Duties, &c. (Great Britain) - | The whole. |
| " c. 34. | Importation and Exportation, Port of Amsterdam, Curaçoa. | The whole. |
| " c. 44. | Sierra Leone Company - - | Section 4. |
| " c. 53. | Power for Postmaster-General to open and return Letters directed to Places abroad, but not delivered. | The whole. |
| " c. 56. | Increase of Militia (Ireland) - - | The whole. |
| " c. 63. | Excise Duties and Drawback on Silks. | The whole. |
| " c. 65. | Exemption from Auction Duty of certain Sales by West India Dock Company. | The whole. |
| 48 Geo. 3. c. 2. - | Duties on Malt, Sugar, Tobacco, and Snuff in Great Britain, and on Pensions and Offices in England. | The whole. |
| " c. 9. - | Abolition of the Office of Surveyor of Subsidies and Petty Customs in the Port of London. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 48 Geo. 3. c. 30. - | Trade between Ireland and the East Indies. | The whole. |
| „ c. 31. - | Counterfeiting of Bank of Ireland Silver Tokens, and Circulation of same. | The whole. |
| „ c. 41. - | Repeal of certain Excise Duties, and Grant of Stamp Duties in lieu thereof, &c. (Ireland). | The whole. |
| „ c. 55. - | Assessed Taxes and Stamp Duties on Game Certificates. | So much of Section 7. as enacts that "every Receiver "General shall "have an Allow-"ance of Three "Halfpence in the "Pound on all "Monies by him "received and "paid into the "Receipt of Ex-"chequer, or duly "accounted for "according to the "Course of His "Majesty's Ex-"chequer." |
| „ c. 56. - | Abolition of Fees received by Customs Officers in Irish Ports, and Hours of Attendance and Holidays of said Officers and Officers of Excise. | The whole. |
| „ c. 57. - | Duties of Customs on ready-made Corks. | The whole. |
| „ c. 62. - | Collection of Revenues of Customs and Excise (Ireland). | The whole. |
| „ c. 64. - | Militia Enlistment into the Army (Ireland). | The whole. |
| „ c. 68. - | Extension of Bounty on Pilchards exported. | The whole. |
| „ c. 74. - | Collection of Malt Duties (Great Britain). | The whole. |
| „ c. 78. - | Malt and Spirit Duties (Ireland) - | The whole. |
| „ c. 91. - | Examination of Accounts of Public Expenditure in West Indies. | The whole. |
| „ c. 99. - | Warehousing of Prize Goods liable to Duty, and Reduction of Strength of Spirits condemned as Prizes. | The whole. |
| „ c. 107. - | Returns of Fines, &c., under Acts relating to the Defence of the Realm. | The whole. |
| „ c. 117. - | Duties upon painted or stained Silks - | The whole. |
| „ c. 119. - | Regulation of Duties on Spirits imported into Great Britain according to the Strength. | The whole. |
| „ c. 120. - | Duties on Coffee, and warehousing the same, and Cocoa. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 48 Geo. 3. c. 121. - | Duties on Coffee taken out of Warehouses for Home Consumption. | The whole. |
| " c. 122. - | Vesting in the Commissioners for the Affairs of Barracks, of all Property occupied for the Barrack Service, &c. | The whole. |
| " c. 129. - | Larceny from the Person - - | The whole. |
| " c. 143. - | Stamp Duties on Licences for selling exciseable Liquors by retail. | Duties granted by. |
| " c. 145. - | Annuities to the Judges of the Courts of Session, &c., on Resignation (Scotland). | As to Annuities to the Barons of the Exchequer. |
| 49 Geo. 3. c. 4. - | Militia (Great Britain) Enlistment into the Army. | The whole. |
| " c. 5. - | Militia (Ireland) Enlistment into the Army. | The whole. |
| " c. 9. - | Importation of Flax Seed into Ireland | The whole. |
| " c. 24. - | Excise Duty on Spent Wash redistilled (Great Britain). | So far as relates to England. |
| " c. 33. - | Excise Duty on Spirits made from Sugar (Ireland), &c. | The whole. |
| " c. 34. - | Registry at Malta of Ships taken as Prize. | The whole. |
| " c. 44. - | Exemption from Home Consumption Duties of Goods brought in as Prize or seized as Droits, and restored by Court of Admiralty. | The whole. |
| " c. 56. - | Completing the Militia (Ireland) - | The whole. |
| " c. 66. - | Holidays, &c. in Offices of Excise - | The whole. |
| " c. 68. - | Law of Bastardy (England) - - | The whole, except s. 3., so far as it relates to a Mother of a Bastard. |
| " c. 69. - | Indemnity to Persons having printed Books, &c. without full Description of Printer's Place of Abode. | The whole. |
| " c. 71. - | Loan on Annuities - - - | Section 16. |
| " c. 76. - | Exportation of Gunpowder, Arms, &c. (Ireland). | The whole. |
| " c. 81. - | Laws of Excise relating to Paper, Silks, Salt, &c. (Great Britain). | The whole. |
| " c. 95. - | Constitution of Board of Commissioners for auditing the Public Accounts. | The whole. |
| " c. 96. - | Superannuation Allowance to Officers of Excise. | The whole. |
| " c. 106. - | Warehoused Goods - - | The whole. |
| " c. 109. - | Woollen Manufacture - - | Sect. 5. in part, namely, from "nor shall any such Persons" to "Parish or Place." |
| " c. 112. - | Purchase of Lands for Defence of the Realm. | The whole. |

*Statute Law Revision.*

| Act | Subject. | Extent of Repeal. |
|---|---|---|
| 49 Geo. 3. c. 116 - | Management of Customs and Excise (Ireland). | The whole. |
| „ c. 117. - | Excise Duty on Coffee, Growth of British Dominions in Africa (Great Britain). | The whole. |
| „ c. 121. - | Bankrupts (England and Ireland) - | The whole. |
| „ c. 127. - | Salaries of Chief Baron and other Judges, Chief Justice of Chester, &c. | The whole. |
| 50 Geo. 3. c. 10. - | Clandestine running of Uncustomed Goods, &c. | The whole |
| „ c. 26. - | Duty on Exportation of Foreign plain Linen taken out of Warehouse. | The whole. |
| „ c. 34. - | Exportation of British and Irish made Malt from one Part of the Kingdom to the other. | The whole. |
| „ c. 38. - | Bonded Warehouses (Ireland) - - | The whole. |
| „ c. 44. - | Excise Officers, Superannuation Allowance (Scotland). | The whole. |
| „ c. 47. - | Relief and Maintenance of Insolvent Debtors (Ireland). | The whole. |
| „ c. 51. - | Punishment of Women delivered of Bastards. | The whole. |
| „ c. 58. - | Redemption and Sale of Land Tax - | Section 4. |
| „ c. 60. - | Exportation from Bristol to Newfoundland of Foreign Salt, Duty free. Shipping Salt in certain Cases to North America. | The whole. |
| „ c. 71. - | Provision for Charges of the Loan, &c., of the present Session. | The whole. |
| „ c. 73. - | Regulation of Baking Trade beyond London, &c. | The whole. |
| „ c. 75. - | Additional Window Duty (Ireland) - | The whole. |
| „ c. 76. - | Stamp Duties (Ireland) - - | The whole. |
| „ c. 77. - | Additional Customs Duties on certain Kinds of Wood. | The whole. |
| 51 Geo. 3. c. 20. - | Enlistment of a Proportion of the Militia into the Regular Forces. | The whole. |
| „ c. 23. - | Abolition of Slave Trade - - | The whole. |
| „ c. 30. - | Militia Enlistment into the Army (Ireland). | The whole. |
| „ c. 32. - | Security of Exciseable Goods on board Vessels in the Port of Bristol. | The whole. |
| „ c. 34. - | Premiums to Ships employed in Southern Whale Fishery. | The whole, except Section 6. |
| „ c. 47. - | Treaty of Commerce with Portugal - | The whole, except Section 9. |
| „ c. 55. - | Abolition of Superannuation Fund in the Customs Department. | The whole. |
| „ c. 56. - | Additional Duties on Tobacco manufactured in Ireland. | The whole. |
| „ c. 57. - | Exportation of salted Beef and Pork from Ireland. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 51 Geo. 3. c. 59. - | Additional Duties on Wash or other Liquors used in the Distillation of Spirits and on Foreign Spirits. | The whole. |
| „ c. 61. - | Provision for defraying increased Charge occasioned by Loan. | The whole. |
| „ c. 67. - | Duties on Hides in the Hair - - | The whole. |
| „ c. 68. - | Additional Duty on Verdigris - | The whole. |
| „ c. 72. - | Exemption from Duties of Assessed Taxes on Servants, Horses, Carriages, and Dogs kept in Great Britain and Ireland. | The whole. |
| „ c. 74. - | Sale of warehoused Prize Goods - | The whole. |
| „ c. 82. - | Regulation respecting Rock Salt delivered to Refineries, &c. | The whole. |
| „ c. 89. - | Increase of Salary of the Lord Lieutenant of Ireland. | The whole. |
| „ c. 93. - | Duties on Norway Fir Timber - | The whole. |
| „ c. 95. - | Auction Duty; Roasting Coffee; Watermark on Paper intended for Exportation. | Section 1. |
| „ c. 110. - | Counterfeiting of Silver Tokens issued by the Bank of England. | The whole. |
| 52 Geo. 3. c. 30. - | Warehousing of Spirits distilled from Corn (Ireland). | The whole. |
| „ c. 34. - | Relief of Debtors - - - - | The whole. |
| „ c. 36. - | Duties on Mahogany, &c. - - | The whole. |
| „ c. 46. - | Duties upon Spirits, &c. (Ireland) - | The whole. |
| „ c. 48. - | Duties on Spirits distilled from Corn in Stills of and under 100 Gallons Content (Ireland). | The whole. |
| „ c. 53. - | Auction Duty on Sale of Colonial Coffee. | The whole. |
| „ c. 60. - | Payment of Superannuation Allowances in Customs Department (Scotland). | The whole. |
| „ c. 64. - | Obtaining Bonds and other Securities under false Pretences. | The whole. |
| „ c. 81. - | Superannuation Allowance of Officers of Excise. | The whole. |
| „ c. 82. - | Transfer to Consolidated Fund of Scotch Excise Charity and Superannuation Funds, &c. | The whole. |
| „ c. 87. - | Stamp Duties; Duties on Cards and Dice (Ireland). | The whole. |
| „ c. 94. - | Excise Duties on Glass, Hides, Tobacco and Snuff (Great Britain). | The whole. |
| „ c. 96. - | Application of Amount of Bounties on Linen, &c., towards defraying Charge of any Loan made in the present Session. | The whole. |
| „ c. 107. - | Allowance of Duty on Salt used for making Acid for Bleaching. | The whole. |
| „ c. 117. - | Customs Duties on certain Woods, and on Pot and Pearl Ashes. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 52 Geo. 3. c. 118. - | Amendment of Act respecting Prohibition of Distillation of Spirits from Corn, &c. | The whole. |
| „ c. 119. - | Importation from Turkey, &c., in Foreign Ships. | The whole. |
| „ c. 128. - | Regulations for securing Excise Duties on Malt (Great Britain). | The whole. |
| „ c. 135. - | Advance to the East India Company for Discharge of Part of the Indian Debt. | The whole. |
| „ c. 139. - | Duties on Stone Bottles - - | The whole. |
| „ c. 142. - | Removal of Goods from one bonding Warehouse to another. | The whole. |
| „ c. 153. - | British White Herring Fishery - | The whole. |
| 53 Geo. 3. c. 8. - | Duties and Drawbacks on Importation and Exportation of Spanish or Red Wine. | The whole. |
| „ c. 9. - | Duties on Malt - - - | The whole. |
| „ c. 10. - | Additional Duty on Rice - - | The whole. |
| „ c. 11. - | Additional Drawback on Chocolate - | The whole. |
| „ c. 19. - | Prevention of Issue and Circulation of Gold or Silver Tokens, other than those of the Banks of England and Ireland. | The whole. |
| „ c. 20. - | Militia (Great Britain) Enlistment of a Proportion of the Corps of Miners of Cornwall and Devon into the Regular Forces. | The whole. |
| „ c. 21. - | Provision for poor Persons confined for Debt, &c., sued for by Order of Commissioners of Customs and Excise. | The whole. |
| „ c. 22. - | Sale of Salt seized, Duty free, and Reward to seizing Officer. | The whole. |
| „ c. 30. - | Bounty on Exportation of Manufactures of Waste Silk. | The whole. |
| „ c. 33. - | Additional Duties of Customs - | The whole. |
| „ c. 34. - | Additional Excise Duties on Importation of Tobacco, Snuff, and French Wines, and Drawbacks. | The whole. |
| „ c. 38. - | Exportation of Corn and other Articles to Newfoundland, &c. | The whole. |
| „ c. 52. - | Distillation and warehousing of Spirits made from Sugar (Ireland). | The whole. |
| „ c. 56. - | Excise Duties on Malt (Ireland) - | The whole. |
| „ c. 57. - | Excise Duties on Tobacco (Ireland) - | The whole. |
| „ c. 59. - | Duties on Carriages, Horses, Male Servants, and Windows (Ireland). | The whole. |
| „ c. 60. - | Collection of Duties on Hides dressed in Oil, Vellum, and Parchment (Ireland). | The whole. |
| „ c. 62. - | Duties on Sugar for Home Consumption from Martinique, &c. | The whole. |
| „ c. 84. - | Duties on Cape Wines - - | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal |
|---|---|---|
| 53 Geo. 3. c. 86. - | Naval Compensations and Pensions - | The whole. |
| „ c. 87. - | Frauds by Boatmen and others, and Adjustment of Salvage. | The whole. |
| „ c. 97. - | Sale by Glassmakers of Muriate of Potash for Manufacture of Alum, and Excise Duty thereon. | The whole. |
| „ c. 100. - | Audit of Accounts of Paymaster-General of the Forces, &c. | The whole. |
| „ c. 103. - | Transfer of Excise Licences to Executors, &c., of licensed Traders. | The whole. |
| „ c. 104. - | Entry into Ireland for Home Consumption of Sugar from Martinique, &c., at reduced Duty. | The whole. |
| „ c. 106. - | Counterfeiting of Tokens of the Bank of Ireland. | The whole. |
| „ c. 112. - | Prosecutions under Acts relating to the Abolition of the Slave Trade. | The whole. |
| „ c. 114. - | Prevention of Issue and Circulation of Gold and Silver Tokens, except those of Banks of England and Ireland. | The whole. |
| „ c. 116. - | Price and Assize of Bread sold out of City of London, and beyond the Bills of Mortality, &c. | The whole. |
| „ c. 120. - | Reduction of the National Debt (Ireland). | The whole. |
| „ c. 124. - | Use of Salt Duty free, for curing certain Fish. | The whole. |
| „ c. 128. - | Relief of Roman Catholics holding Civil or Military Offices in Ireland, from Penalties of Popish Recusancy in England, &c. | The whole. |
| „ c. 129. - | Sale of Offices of Six Clerks in Chancery (Ireland). | The whole. |
| „ c. 137. - | Licences for Sale of Spirituous Liquors, &c. (Ireland). | The whole. |
| „ c. 140. - | Cinque Ports Pilots - - - | The whole. |
| „ c. 145. - | Distillation of Spirits (Ireland) - | The whole. |
| „ c. 147. - | Excise Duties on Spirits (Great Britain). | The whole. |
| „ c. 148. - | Illicit Distillation of Spirits (Ireland) | The whole. |
| „ c. 156. - | Provision for Payment of the Charge of certain Annuities. | The whole. |
| 54 Geo. 3. c. 1. - | British and Irish Militias, Service out of the United Kingdom. | The whole. |
| „ c. 11. - | Provision for Serjeants of Militia (Great Britain and Ireland). | The whole. |
| „ c. 12. - | Augmentation of 60th Regiment by Enlistment of Foreigners. | The whole. |
| „ c. 17. - | City of London Militia, Service out of the United Kingdom. | The whole. |
| „ c. 20. - | Amendment of Act as to Service of the British and Irish Militias out of the United Kingdom. | The whole. |

*Statute Law Revision.*

| Act. | Subject | Extent of Repeal. |
|---|---|---|
| 54 Geo. 3. c. 21. - | Duty on Scotch Salt brought to England. | The whole. |
| „ c. 32. - | Illicit Distillation of Spirits (Ireland). | The whole. |
| „ c. 36. - | Customs Duties on Goods imported from East Indies into Great Britain, East India Company's Accounts, &c. | The whole. |
| „ c. 42. - | Punishment for the Destruction of Stocking or Lace Frames, &c. | The whole. |
| „ c. 50. - | Customs Duties on Salt - - | The whole. |
| „ c. 59. - | Slave Trade Suppression, Registration of Condemned Ships. | The whole. |
| „ c. 64. - | War Duties of Customs Continuance - | The whole. |
| „ c. 65. - | Customs Duties on Importation of French Goods, &c. | The whole. |
| „ c. 66. - | Repeal of Customs Duties on Teak or other Wood for Ship-building, imported from East Indies. | The whole. |
| „ c. 69. - | Repeal of all Customs Duties, Bounties, and Restrictions on the Exportation of Corn from the United Kingdom. | The whole. |
| „ c. 77. - | Customs Regulations for securing Duties on Cape Wines. | The whole. |
| „ c. 88. - | Collection of Excise Duties on Spirits (Ireland). | The whole. |
| „ c. 97. - | Excise Duties on Glass (Great Britain). | The whole. |
| „ c. 120. - | Management of Customs and Excise (Ireland). | The whole. |
| „ c. 121. - | Excise Duties on Foreign Wine, Spirits, and other Liquors. | The whole. |
| „ c. 124. - | Importation of Tobacco and Snuff into Plymouth. | The whole. |
| „ c. 127. - | Exportation from Scotland and Ireland of Linen Cloth without Stamps. | So far as relates to Scotland. |
| „ c. 142. - | Exportation of Tea to British America, &c., Duty free. | The whole. |
| „ c. 174. - | Farming of the Post Horse Duties, and Measurement of Roads (Great Britain). | The whole. |
| 55 Geo. 3. c. 14. - | Customs Duties on Wood (Ireland) - | The whole. |
| „ c. 22. - | Customs Duties on Tobacco - - | The whole. |
| „ c. 23. - | Customs Duties on Citrat of Lime - | The whole. |
| „ c. 29. - | Trade of Malta - - - | The whole. |
| „ c. 35. - | Additional Excise Duty on Tobacco (Ireland). | The whole. |
| „ c. 36. - | Customs Duty on Tobacco (Ireland) - | The whole. |
| „ c. 37. - | Exportation or Importation of Sugar, Coffee, &c. (Ireland). | The whole. |
| „ c. 55. - | Land Revenues of the Crown - | The whole |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 55 Geo. 3. c. 57. - | Repeal of South Sea Company's exclusive Privileges of Trade, and Indemnity to the Company for the Loss. | The whole. |
| „ c. 62. - | Excise Duties on Malt (Ireland) - | The whole. |
| „ c. 66. - | Excise Duties on Salt, Drawback on Foreign Brimstone, &c. | The whole. |
| „ c. 95. - | Customs Duties on Vegetable Substances used in Tanning. | The whole. |
| „ c. 99. - | Excise Duties on Malt (Ireland) - | The whole. |
| „ c. 105. - | Excise Duties on Hides and Skins tanned in Ireland. | The whole. |
| „ c. 110. - | Excise Duties on Sweets or made Wines (Ireland). | The whole. |
| „ c. 114. - | Salaries, &c., of Master of the Rolls; Offices of Six Clerks in Chancery (Ireland). | Sections 3, 4, 5, 6. |
| „ c. 129. - | Drawbacks and countervailing Duties on Tobacco; Exportation of Wine. | The whole. |
| „ c. 135. - | Customs Regulations as to Newfoundland Blubber and Train Oil. | The whole. |
| „ c. 141. - | Amendment of the Act for Repeal of South Sea Company's exclusive Privileges of Trade. | The whole. |
| „ c. 163. - | Customs Regulations; Licences to open Boats. | The whole. |
| „ c. 168. - | Amendment of Laws relating to Militias of Great Britain and Ireland. | So far as relates to the Militia of Scotland. |
| „ c. 169. - | Provision for Charge of Addition to Funded Debt. | The whole. |
| „ c. 172. - | Support of captured Slaves during the Period of Adjudication. | The whole. |
| „ c. 177. - | Prevention of Frauds in Manufacture of Sweets. | The whole. |
| „ c. 179. - | Use of Salt, Duty free, for curing Fish, &c. | The whole. |
| „ c. 181. - | Customs Duty on certain Seeds imported. | The whole. |
| 56 Geo. 3. c. 25. - | Duty on Importation of Butter - | The whole. |
| „ c. 26. - | Duty on Importation of Cheese - | The whole. |
| „ c. 29. - | Perpetuation of certain War Duties of Customs, &c. | The whole. |
| „ c. 34. - | Additional Duty on Corks - - | The whole. |
| „ c. 44. - | Excise Duties, &c. on Soap - - | The whole. |
| „ c. 59. - | Excise Duty on Malt (Ireland) - | The whole. |
| „ c. 64. - | Amendment of Acts relating to the Militia of Great Britain. | So far as relates to the Militia of Scotland. |
| „ c. 70. - | Redemption of National Debt (Ireland). | The whole. |
| „ c. 73. - | Removal of Difficulties in Conviction of Offenders stealing Property from Mines. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 56 Geo. 3. c. 75. - | Customs Duties on Rape Seed, &c. - | The whole. |
| „ c. 77. - | Repeal of certain Duties granted by the Act for repealing the exclusive Privileges of the South Sea Company. | The whole. |
| „ c. 79. - | Customs Duties on Rape Seed Cakes, Bones, &c. | The whole. |
| „ c. 85. - | Management of Customs and Excise (Ireland). | The whole. |
| „ c. 86. - | Aliens - - - - | The whole. |
| „ c. 94. - | Use of crushed Rock Salt, Duty free, in Manufacture of Muriatic Acid, &c. | The whole. |
| „ c. 113. - | Beer, &c. Licences (Great Britain). - | The whole. |
| „ c. 118. - | Duty on Oil and Blubber from the North American Colonies. | The whole. |
| „ c. 119. - | Mutiny Act Amendment - - | The whole. |
| „ c. 127. - | Duty on Exportation of small Coals from Great Britain. | The whole. |
| „ c. 133. - | Provision for the annual Charge of the Loans of this Session. | The whole. |
| „ c. 135. - | Crinan Canal (Scotland). - - | The whole. |
| „ c. 137. - | Bankrupts - - - - | The whole. |
| 57 Geo. 3. c. 18. - | Business of the Court of Exchequer (England) Equity Side. | The whole. |
| „ c. 30. - | Interest on and Periods of Payments of Navy, Victualling, and Transport Bills. | The whole. |
| „ c. 32. - | Excise Duties on Stone Bottles - | The whole. |
| „ c. 49. - | Laws of Excise respecting Salt and Rock Salt. | The whole. |
| „ c. 51. - | Celebration of Marriages, Newfoundland. | The whole. |
| „ c. 61. - | Abolition of Offices of Wardens, Chief Justices, and Justices in Eyre of the Royal Forests, &c. North and South of the Trent. | The whole. |
| „ c. 63. - | Regulation of Offices of Clerks of the Signet and Privy Seal. | The whole. |
| „ c. 76. - | Drawback on Paper allowed to the Universities in Scotland. | The whole. |
| „ c. 79. - | Transfer from Funds in Great Britain to Funds in Ireland. | The whole. |
| „ c. 86. - | Importation of Foreign Cambrics and Lawns into Ireland. | The whole. |
| „ c. 88. - | Fullers Earth, &c. carried Coastwise | The whole. |
| „ c. 96. - | Duties on Coal, &c. removed Coastwise (Wales). | The whole. |
| „ c. 119. - | Exemption of Stone Blacking Bottles from Duty. | The whole. |
| „ c. 123. - | Excise Duty on Spirits made from Corn in England, &c. | The whole. |
| „ c. 128. - | Window Duties (Scotland) - - | The whole. |

*Statute Law Revision.*

| Act. | Subject | Extent of Repeal. |
|---|---|---|
| 58 Geo. 3. c. 8. - | Kilmainham Hospital, Suspension of Pensions for Misconduct. | The whole. |
| " c. 13. - | Duties on Licences for retailing Aqua Vitæ in Scotland. | The whole. |
| " c. 18. - | Customs Duties on Corks ready made imported into Ireland. | The whole. |
| " c. 21. - | Excise Duties on Glass - - | The whole. |
| " c. 33. - | Allowance for broken Plate Glass, &c. | The whole. |
| " c. 36. - | Execution of Treaty with Spain, for preventing Traffic in Slaves. | The whole. |
| " c. 41. - | Collection of Duties on Paper (Ireland) and Drawback on Paper used at Press of Trinity College, Dublin. | The whole. |
| " c. 49. - | Abolition of Slave Trade - - | The whole. |
| " c. 56. - | Bounty on Exportation of Silk Manufactures. | The whole. |
| " c. 65. - | Excise Duties on Vinegar or Acetous Acid. | The whole. |
| " c. 75. - | Preservation of Game - - | The whole. |
| " c. 77. - | Excise Duties on Rock Salt - | The whole. |
| " c. 79. - | Auction Duties (Ireland) - - | The whole. |
| " c. 80. - | Transfer from Stocks in Great Britain to Stocks in Ireland. | The whole. |
| " c. 85. - | Execution of Convention with Portugal, for preventing Traffic in Slaves. | The whole. |
| " c. 89. - | Attendance of Magistrates on board outward bound Passenger Vessels. | The whole. |
| " c. 93. - | Relief to bonâ fide Holders for Value of negotiable Securities without Notice of usurious Consideration. | The whole. |
| " c. 94. - | Sea Fisheries (Ireland) - - | The whole. |
| " c. 98. - | Abolition of the Slave Trade - | The whole. |
| 59 Geo. 3. c. 17. - | Execution of Convention with Portugal for preventing Traffic in Slaves. | The whole. |
| " c. 28. - | Division of Courts of Quarter Sessions. | The whole. |
| " c. 29. - | Customs Duties on Mineral Alkali - | The whole. |
| " c. 36. - | Making and Sale of Bread out of City of London and beyond Bills of Mortality, &c. | The whole. |
| " c. 57. - | Excise Duties, Salt, (Great Britain) - | The whole |
| " c. 64. - | Proceedings against Warden of the Fleet in Vacation. | The whole. |
| " c. 71. - | Loan from Commissioners for Reduction of National Debt. | The whole. |
| " c. 91. - | Applications to Courts of Equity regarding Charity Estates (England). | The whole. |
| " c. 97. - | Trial of Offences committed in Africa against the Laws for Abolition of the Slave Trade. | The whole. |
| " c. 103. - | Provisions respecting Accounts to be laid before Parliament. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 59 Geo. 3. c. 105. - | Excise Duties on Spirits, certain Licences, Leather and Glass of Carriages, &c. (Great Britain and Ireland). | The whole. |
| „ c. 113. - | Premiums to Ships employed in Southern Whale Fishery. | The whole. |
| „ c. 120. - | Registry of Colonial Slaves in Great Britain, and Removal of Slaves from Colonies. | The whole. |
| „ c. 124. - | Passenger Vessels to Colonies, &c. - | The whole. |
| Geo. 4. c. 9. - | Grant of Privileges of British Ships to Vessels built at Malta, &c. | The whole. |
| „ c. 22. - | Loan from Commissioners for Reduction of National Debt. | The whole. |
| „ c. 26. - | Coasting Trade (Ireland) - - | The whole. |
| „ c. 35. - | Court of Exchequer (England) Suitors' Money, Appointment of Accountant General, &c. | The whole. |
| „ c. 37. - | Appointment of Special Constables by Magistrates. | The whole. |
| „ c. 40. - | Compensation for Tithes withheld (Ireland). | The whole. |
| „ c. 72. - | Lotteries - - - - | The whole. |
| „ c. 75. - | Excise Duty on Tobacco - - | The whole. |
| „ c. 78. - | Duties on Spirit Licences, &c. (Ireland). | The whole. |
| „ c. 87. - | Recovery of Possession by Landlords | The whole. |
| „ c. 99. - | Maintenance of a Volunteer Infantry Corps by the East India Company. | The whole. |
| „ c. 102. - | Indictments in respect of Property belonging to Partners. | The whole. |
| „ c. 115. - | Abolition of Capital Punishment for certain Offences, and Substitution of other Punishment. | The whole. |
| „ c. 118. - | Excise Duty on Malt (Scotland) - | The whole. |
| 1 & 2 Geo. 4. c. 14. - | Free Importation of Cochineal and Indigo. | The whole. |
| „ c. 22. - | Ale and Beer Duties (Great Britain) | So much as relates to Certificates and Increases in Stock. |
| „ c. 29. - | Allowances in certain Cases in respect of Duty on Irish Starch imported into Great Britain. | The whole. |
| „ c. 47. - | Disfranchisement of Borough of Grampound, and additional Knights of the Shire for Yorkshire. | Sections 2 and 3. |
| „ c. 50. - | Making and Sale of Bread out of City of London and beyond Bills of Mortality, &c. | The whole. |
| „ c. 60. - | Exemption of Ships in ballast in the South Sea Trade from certain Tonnage Duties. | The whole. |
| „ c. 70. - | Loan from Commissioners for Reduction of National Debt. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 1 & 2 Geo. 4. c. 75. - | Frauds by Boatmen and others, and Adjustment of Salvage in England. | The whole. |
| „ c. 91. - | Silk and Mohair, &c. Bounties - | The whole. |
| „ c. 96. - | British Spirits Duty (Lisburne, Ireland). | The whole. |
| „ c. 99. - | Slave Trade - - - - | The whole. |
| „ c. 102. - | Drawback on Acetous Acid exported, and Exemption of Drainage Tiles from Duty. | The whole. |
| „ c. 105. - | Amendment of Laws of Excise as to warehoused Goods. | The whole. |
| „ c. 110. - | Horse Duties - - - | The whole. |
| „ c. 120. - | Lotteries - - - - | The whole. |
| 3 Geo. 4. c. 25. - | Starch and Soap Duties Allowances - | The whole. |
| „ c. 32. - | Duties on plain Silk Net or Tulle - | The whole. |
| „ c. 38. - | Punishment for Manslaughter and for Robbery by Servants, and of Accessories before the Fact to certain Felonies. | The whole. |
| „ c. 47. - | Rate of Interest on Securities made in Great Britain on Land, &c. in Ireland or the Colonies. | The whole. |
| „ c. 73. - | Loan from Commissioners for Reduction of National Debt. | The whole. |
| „ c. 74. - | Bankrupts under joint Commissions - | The whole. |
| „ c. 101. - | Lotteries - - - - | The whole. |
| „ c. 109. - | Duties and Drawbacks on Barilla - | The whole. |
| „ c. 125. - | Leases of Tithes by Ecclesiastical Persons (Ireland). | The whole. |
| 4 Geo. 4. c. 23. - | Consolidation of Boards of Customs, and of Boards of Excise of Great Britain and Ireland. | The whole. |
| „ c. 45. - | Assessed Taxes Composition - - | The whole. |
| „ c. 70. - | Court of Exchequer, Equity Side (Ireland). | The whole. |
| „ c. 77. - | Duties on Goods in Foreign Vessels, &c. | The whole, except Sections 5 and 6. |
| „ c. 78. - | Stamp Duty on Proceedings in Equity (Ireland). | So far as relates to the Equity Side of the Court of Exchequer. |
| „ c. 89. - | Limitation of Expenses of certain Law Proceedings (Ireland). | Section 3. |
| 5 Geo. 4. c. 4. - | Law Proceedings (Ireland) - - | The whole. |
| „ c. 8. - | Church Lands (Ireland) - - | The whole. |
| „ c. 16. - | Court of Exchequer, Equity Side (Ireland). | The whole. |
| „ c. 17. - | Slave Trade Suppression - - | The whole. |
| „ c. 26. - | Barrack Property - - - | The whole. |
| „ c. 50. - | Price of Bread - - - | The whole. |
| „ c. 54. - | Beer and Spirit Licences - - | Duties granted by. |
| „ c. 70. - | Substitution of Flour for Foreign Wheat in Warehouses. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 5 Geo. 4. c. 75. - | Excise and Customs Duties - - | The whole. |
| „ c. 85. - | Gaols and Houses of Correction (England). | So much as requires the making of any Return in the Form of the Schedule (A.) to this Act. |
| „ c. 106. - | Courts of Great Sessions in Wales - | The whole. |
| „ c. 113. - | Slave Trade Abolition - - | From Section 13 to Section 20, both inclusive.<br>Sections 37 and 42.<br>From Section 52 to Section 59, both inclusive, as to Portugal or Spain.<br>Section 67.<br>Section 72. |
| 6 Geo. 4. c. 19. - | Threatening Letters as to accusing of infamous Crimes. | The whole. |
| „ c. 56. - | Indictments for Forgery on Partnerships. | The whole. |
| „ c. 60. - | Exchequer, Equity Side (Ireland). - | The whole. |
| „ c. 85. - | Salaries and Pensions of Judges in India, and Bishop of Calcutta; Transportation from St. Helena; Administration of Justice at Singapore, &c. | Section 17. |
| „ c. 96. - | Writs of Error - - - | The whole. |
| 7 Geo. 4. c. 17. - | Administration of Justice, Durham - | The whole. |
| „ c. 20. - | Stamp Duties in Courts of Law (Ireland). | The whole. |
| „ c. 48. - | Customs Laws Amendment - - | The whole, except so much of Section 52 as relates to Excise. |
| „ c. 55. - | Poll at Elections of Knights of the Shire for the County of York. | The whole. |
| 7 & 8 Geo. 4. c. 34. - | Ministers Money (Ireland) - - | The whole. |
| „ c. 46. - | General Register House, Edinburgh - | The whole. |
| „ c. 66. - | Grants of Crown Lands for Public Buildings and Cemeteries. | The whole. |
| 9 Geo. 4. c. 9. - | Sessions of the Peace, Westminster - | The whole. |
| „ c. 59. - | Mode of taking the Poll at Parliamentary Elections for Boroughs (England). | The whole. |
| „ c. 72. - | Bombay Marine - - - | The whole. |
| „ c. 76. - | Customs - - - - | The whole. |
| „ c. 84. - | Slave Trade Abolition - - | The whole. |
| „ c. 93. - | Delivery of Sugar out of Bond to be refined. | The whole. |
| 10 Geo. 4. c. 16. - | Appointment of Writers in the East India Company's Service. | The whole. |
| 11 Geo. 4. & 1 Will. 4. c. 10. | Maintenance of Families of Smugglers sentenced to serve in the Navy. | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 11 Geo. 4. & 1 W. 4. c. 69. | Judicial Establishments (Scotland) - | Section 42. |
| 1 Will. 4. c. 3. - | Administration of Justice, Law Terms, &c. | Sections 5. and 6. |
| 2 & 3 Will. 4. c. 13. - | Presentments, Baronies of St. Sepulchres and Donore (Ireland). | The whole. |
| " c. 31. - | Regulation of Baking Trade (Ireland) | The whole. |
| " c. 41. - | Recovery of Tithes (Ireland) - | The whole. |
| " c. 49. - | Office of Clerks of the Signet and Privy Seal. | The whole. |
| 3 & 4 Will. 4. c. 10. - | Cotton Wool Customs Duty - - | The whole. |
| " c. 16. - | Excise Duties on Soap - - | The whole. |
| " c. 17. - | Manufacture of Stone Blue - - | The whole. |
| " c. 41. - | Judicial Committee of Privy Council | Sections 22, 25, 26, and 27. |
| " c. 98. - | Bank of England Privileges - - | Section 7. |
| 4 & 5 Will. 4. c. 32. - | Reduction of Tonnage Rates in the Port of London. | Section 4. |
| " c. 89. - | Customs - - - - | The whole. |
| 5 & 6 Will. 4. c. 32. - | Tea Duties - - - | The whole. |
| " c. 37. - | Militia Staff Reduction and Ballots Suspension. | The whole. |
| " c. 40. - | Duties on Wood, the Produce of Places in Europe. | The whole. |
| 6 & 7 Will. 4. c. 25. - | Postage Milford and Waterford - | The whole. |
| " c. 26. - | Sugar Duties - - - | The whole. |
| " c. 61. - | Shipowners' Liability for Losses by Fire. | The whole. |
| " c. 101. - | Parliamentary Elections; List of Voters; Returning Officers (England). | Section 3. |
| " c. 112. - | Court of Exchequer, Equity Side - | The whole. |
| 7 Will. 4. & 1 Vict. c. 51. | Loans for Public Works and Fisheries. | Section 17. |
| " c. 70. | Haileybury College, &c. - - | Sections 1, 2, 3, 7, and so much of Section 5 as relates to Admission to Haileybury College. |
| " c. 85. | Amendment of Laws relating to Offences against the Person. | Section 11. |
| 1 & 2 Vict. c. 10. - | Banking and other Copartnerships, in which spiritual Persons are interested, Validity of Contracts. | The whole. |
| " c. 22. - | Haileybury College - - - | The whole. |
| " c. 54. - | Investment of Suitors' Money, Courts of Chancery and Exchequer. | Sections 3 and 4. |
| " c. 120. - | Duchy of Cornwall Tin Duties - | Section 8. |
| 2 & 3 Vict. c. 14. - | Certain Appointments in Cathedral Churches (England). | The whole. |

*Statute Law Revision.*

| Act. | Subject. | Extent of Repeal. |
|---|---|---|
| 3 & 4 Vict. c. 17. - | Customs, Excise, and Assessed Taxes - | So much as relates to Customs Duties and Drawbacks. |
| „ c. 34. - | Masters in Chancery - - | The whole. |
| „ c. 49. - | Excise Duties on Soap - - | The whole. |
| 4 & 5 Vict. c. 13. - | South Australia, Loan to Colonization Commissioners. | The whole. |
| 5 & 6 Vict. c. 89. - | Drainage of Lands (Ireland) - - | Section 27. |
| „ c. 110. - | Coventry Boundary - - - | Section 9. |
| 6 & 7 Vict. c. 12. - | Coroners' Inquests - - - | Section 4. |
| „ c. 29. - | Duties on Wheat, &c. imported from Canada. | The whole. |
| 7 & 8 Vict. c. 28. - | Sugar Duties - - - | The whole. |
| „ c. 33. - | County Rates and High Constables - | So far as relates to County Rates. |
| 8 & 9 Vict. c. 5. - | Sugar Duties - - - | The whole. |
| „ c. 13. - | Excise Duties on Sugar - - | The whole. |
| „ c. 48. - | Oaths Dispensation, Bankruptcy - | The whole. |
| 9 & 10 Vict. c. 22. - | Corn Importation - - - - | The whole. |
| „ c. 58. - | Duties of Customs on Books and Engravings. | The whole. |
| „ c. 63. - | Sugar Duties - - - - | The whole. |
| „ c. 94. - | Reduction of Duties of Customs by Legislatures of certain British Possessions. | The whole. |
| 10 & 11 Vict. c. 45. - | Prisoners' Removal in certain Cases (Ireland). | The whole. |
| „ c. 85. - | Post Office - - - | Section 11. |
| 12 & 13 Vict. c. 19. - | Removal of Prisoners from Gaols in Cases of Epidemic Diseases. | The whole. |
| „ c. 70. - | Summary Convictions (Ireland) - | The whole. |
| „ c. 93. - | Metropolitan Sewers - - - | The whole. |
| 13 & 14 Vict. c. 14. - | Advances to Distressed Unions (Ireland). | The whole. |
| „ c. 67. - | Excise on Sugar, and Brewers' and Distillers' Licences. | Section 3. |
| 14 & 15 Vict. c. 89. - | Metropolitan Interment Act, 1850, Amendment. | The whole. |
| 15 & 16 Vict. c. 16. - | Repayment of Advances (Ireland) Act Amendment. | The whole. |
| 16 & 17 Vict. c. 54. - | Customs Duties - - - | The whole. |
| „ c. 125. - | Metropolitan Sewers Acts Continuance and Amendment. | The whole. |

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Applications at Spring or Summer Assizes.

3. The Application to the Grand Jury for their Approval may be made either at the Spring or Summer Assizes.

Notices to be given for Spring Assizes.

4. In case the Application is made at the Spring Assizes, the Advertisements required by the First Section of the said Act shall be published in the Months of *November* or *December* or either of them immediately preceding, and the Deposits required by the Second and Fourth Sections of the said Act shall be made on or before the First and Twelfth Day of *December* respectively, and the Notices required by the Third Section shall be given on or before the Second Day of *December*.

Approval of Grand Jury may be traversed.

5. Any Person entitled to appear on the Inquiry before the Grand Jury may, in the Case of their Approval of the Undertaking, traverse such Approval, subject to and under the following Regulations:—

Such Traverse shall be entered with the Clerk of the Crown not later than Twelve o'Clock on the Day following the Approval of the Grand Jury;

It shall be on either of the following Grounds:—

First. That the Preliminaries required by Law for the Application to the Grand Jury have not been complied with;

Second. That the Construction of the Undertaking according to the Plan approved of by the Grand Jury would not be beneficial to the Public;

In case of a Traverse on the First Ground, same shall be disposed of by the Judges of Assize, or One of them, after hearing such Evidence as may be adduced;

In case of a Traverse on the Second Ground, same shall be tried in all respects as Issues joined in the Superior Courts of Common Law are or may be triable by Law at such Assizes;

The Judges of Assize, or One of them, may, if it shall appear fit, direct such Traverse to be tried by a Special Jury;

In case more Persons than One shall enter a Traverse on the Second Ground, there shall be One Trial of all such Traverses, and the Judge shall make such Order as may seem fit for the conducting of such Trial, and the Appearance and Intervention of the several Traversers thereat;

Every Traverse under this Act shall be determined or tried at the same Assizes at which it is entered, and in case the Judge shall rule or the Jury find in favour of such Traverse, as the Case may be, the Approval of the Grand Jury shall be void and of no Effect;

Every

Every Traverse on the First Ground shall be confined to the specific Points mentioned by the Traverser in his Memorial lodged with the Secretary of the Grand Jury, and the particular Points of Non-compliance complained of shall be also stated in such Traverse.

**Inquiry by Board of Works in the first instance.**

6. The Inquiry by the Board of Works directed by the Ninth Section of the said Act shall take place before any Application is made to the Grand Jury, in order that their Report shall be submitted to the Grand Jury at the first Application, and the Board of Works shall institute such Inquiry upon the Request of the Promoters, and upon having deposited with them a reasonable Sum, not in any Case exceeding One hundred Pounds, to cover the Expenses of such Inquiry.

**To be confined to Engineering Questions.**

7. The Inquiry to be made by the Board of Works, and the Report to be made thereon, shall extend only to the Merits of the Undertaking in an Engineering Point of View, and to any Modification of the same in that Respect which may be advantageously made.

**Existing Company may be empowered to execute Work.**

8. Instead of constituting a new Company under the Fifteenth Section of the said Act, the Lord Lieutenant in Council may, if he shall so think fit, and if so desired by the Promoters, empower any existing Company incorporated by Act of Parliament or Charter, or constituted by any Statute regulating Joint Stock Companies, to execute such Undertaking, if it shall appear that such Company have Power to provide the necessary Capital and to apply the same to the Purposes of such Undertaking, but no such Order shall be deemed or taken to authorize or sanction the Employment by the said Company for the Purposes of such Undertaking or of the Application for the same of any Funds which independently of such Order they would not have Power so to apply.

**Orders in Council valid without Confirmation by Parliament.**

9. In any Case in which the Undertaking shall be approved of by the Grand Jury, and no Petition of Appeal shall be presented against such Approval to the Lord Lieutenant in Council by any of the Parties entitled under such Act to appeal, the Order in Council shall immediately take Effect without any Act of Parliament confirming the same, but in any Case in which such Petition of Appeal is presented before the Order in Council is made, such Order shall have no Effect until confirmed by Act of Parliament, even although no Person shall appear to sustain such Appeal, and when any Order shall be made after the Presentation of such Appeal the Fact of such Appeal having been presented shall be stated in such Order.

10. In

Grand Jury may give Permission for Tramway to cross a Highway.

**10.** In any Case in which Persons constructing any Tramway shall only seek under the Provisions of the said Act Power to cross a Highway, it shall be lawful for the Grand Jury, with the previous Approbation of the Presentment Sessions held for the Barony in which such proposed Crossing is situate, to give Permission for such Crossing to be made, and thereupon and immediately upon such Permission being given, and without any other Approval, it shall be lawful for the Persons constructing such Tramway to lay down the same across any public Road or Roads for which Permission shall have been so given; and it shall be lawful for the Grand Jury to annex to such Permission any Conditions or Stipulations which to them shall seem fit; and in case such Permission shall be used by the Promoters, they shall be bound by such Conditions and Stipulations as if the same had been inserted in a Special Act of Parliament authorizing such Crossing, and all Persons interested in same may have the same Rights and Remedies; and it shall be further lawful for the Grand Jury, if they shall so think fit, before such Permission is acted on, to require Persons of sufficient Substance, to be approved of as they may direct, to enter into a Bond to the Secretary of the Grand Jury, County Treasurer, or such other Person as they may appoint, in such Sum as they may name, conditioned for the Observance of all such Conditions and Stipulations.

Short Title.

**11.** This Act may be cited as "The Tramways (*Ireland*) Amendment Act, 1861."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

dated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 32,605,936*l.* 11*s.* 5*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3 c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

2. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of Thirty-two million six hundred and five thousand nine hundred and thirty-six Pounds Eleven Shillings and Fivepence; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

3. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

4. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny per Centum per Diem upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 32,605,936*l* 11*s* 5*d.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

5. It shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at Westminster, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Thirty-two million six hundred and five thousand nine hundred and thirty-six Pounds Eleven Shillings

lings and Fivepence, anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

**Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.**

**6.** It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of England, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of England, under the Authority of this Act.

**Monies raised by Exchequer Bills to be applied to the Services voted by the Commons.**

**7.** It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present Session of Parliament.

**Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.**

**8.** The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of England unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon

**Treasury may apply, for the Service of the Year 1861, 424,207*l.* 7*s.* Surplus of Ways and Means.**

**9.** There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and sixty-one, the Sum of Four hundred twenty-four thousand two hundred and seven Pounds Seven Shillings, being the Surplus of Ways and Means granted for the

the Service of preceding Years, and the Commissioners of Her Majesty's Treasury are hereby authorized and empowered to issue and apply the same accordingly.

Appropriation of Ways and Means to Services hereafter expressed.

24 Vict. c. 2.

24 Vict. c. 6.

24 Vict. c. 19.

**10.** All the Monies coming into the Exchequer of the United Kingdom of Great Britain and Ireland by an Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Four millions "out of the Consolidated Fund to the Service of the Year One "thousand eight hundred and sixty-one;" and also the Sum of Three Millions granted by One other Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Three Millions out "of the Consolidated Fund to the Service of the Year One thousand "eight hundred and sixty-one;" and also the Sum of Ten Millions, granted by One other Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Ten Millions out of the "Consolidated Fund to the Service of the Year One thousand "eight hundred and sixty-one;" and also the respective Sums of Thirty-two million six hundred and five thousand nine hundred and thirty-six Pounds Eleven Shillings and Fivepence, and Four hundred twenty-four thousand two hundred and seven Pounds Seven Shillings by this Act granted, amounting in the aggregate to the Sum of Fifty million thirty thousand one hundred and forty-three Pounds Eighteeen Shillings and Fivepence, shall be further appropriated and are hereby appropriated and shall be issued and applied for or towards the several Uses and Purposes hereafter expressed.

There shall be issued 12,276,250*l.* for Navy Services; viz.:

3,122,580*l.* for Wages to 78,200 Seamen and Marines, &c.;

1,328,259*l.* for Victuals, &c. in the Navy;

161,157*l* for Salaries, &c. in Admiralty Office;

**11.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twelve million two hundred seventy-six thousand two hundred and fifty Pounds, for or towards the Navy Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three million One hundred twenty-two thousand five hundred and eighty Pounds, to defray the Charge of Wages to Seventy-eight thousand two hundred Seamen and Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One million three hundred twenty-eight thousand two hundred and fifty-nine Pounds, to defray the Charge of Victuals to Seamen and Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred sixty-one thousand one hundred and fifty-seven Pounds, to defray the Salaries of the Officers and the contingent Expenses of

of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two hundred fifty-three thousand four hundred and twenty-two Pounds, to defray the Salaries and Expenses of the Coast Guard Service, the Charges for the Royal Naval Coast Volunteers, and Royal Naval Reserve, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty-three thousand eight hundred and fifty-one Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred seventy-two thousand nine hundred and forty-seven Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty-three thousand six hundred and forty Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One million one hundred twelve thousand one hundred and twenty-six Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty-seven thousand eight hundred and twenty-eight Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty-six thousand Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Ninety thousand five hundred and ten Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and

253,422*l.* for Salaries, &c. of Coast Guard, Naval Coast Volunteers, and Naval Reserve;

63,851*l.* for the Navy Scientific Departments;

172,947*l.* for Naval Establishments at home;

33,640*l.* for Naval Establishments abroad;

1,112,126*l.* for Wages of Artificers, &c. at home;

67,828*l.* for Wages to Artificers, &c. abroad;

66,000*l.* for Medicines, &c.;

90,510*l.* for Naval Miscellaneous Services;



and

684,016*l.* for Naval Half Pay, &c.;

and sixty-two; and any Sum or Sums of Money not exceeding Six hundred eighty-four thousand and sixteen Pounds, to defray the Charge of Half Pay, Reserved Half Pay, and Retirement to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two;

486,430*l.* for Military Pensions;

and any Sum or Sums of Money not exceeding Four hundred eighty-six thousand four hundred and thirty Pounds, to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two;

180,397*l.* for Civil Pensions;

and any Sum or Sums of Money not exceeding One hundred eighty thousand three hundred and ninety-seven Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two;

247,000*l.* for Freight of Ships, Victualling, and Conveyance of Troops, &c.;

and any Sum or Sums of Money not exceeding Two hundred and forty-seven thousand Pounds, to defray the Charge for the Freight of Ships, for the victualling and Conveyance of Troops, on account of the Army, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two;

3,489,477*l.* for Naval Stores, &c.;

and any Sum or Sums of Money not exceeding Three million four hundred eighty-nine thousand four hundred and seventy-seven Pounds, to defray the Charge of Naval Stores for the Building, Repair, and Outfit of the Fleet, Steam Machinery, and Ships built by Contract, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two;

466,610*l.* for new Works in Naval Establishments,

and any Sum or Sums of Money not exceeding Four hundred sixty-six thousand six hundred and ten Pounds to defray the Charge of New Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two;

250,000*l.* for Building Iron Ships by Contract, &c

and any Sum or Sums of Money not exceeding Two hundred and fifty thousand Pounds to defray the Expense of building Iron Ships by Contract, and of the Plating and Engines for Five Wooden Ships, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two.

There shall be issued 206,629*l.* 10*s.* 9*d* for Army Services, 1859-60.

**12.** And whereas, in order to provide for the Exigencies of the Army Services, it has been necessary to incur an Expenditure for Army Services beyond the Grants for the Year ended the Thirty-first Day of March One thousand eight hundred and sixty, amounting to Two hundred and six thousand six hundred and twenty-nine Pounds Ten Shillings and Ninepence: Be it therefore enacted, That out

out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two hundred and six thousand six hundred and twenty-nine Pounds Ten Shillings and Ninepence, to defray the Excess of the Army Expenditure beyond the Grants for the Year ended the Thirty-first Day of March One thousand eight hundred and sixty.

**13.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six million seventy-one thousand and twenty-nine Pounds, for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing and Necessaries, Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., and the Charge of Stores for Land and Sea Service, and the Charge of Fortifications, Works, Buildings, and Barracks at home and abroad, herein after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Eight hundred sixty thousand four hundred and forty-seven Pounds, to defray the Charge of the Wages of Artificers, Labourers, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding Five hundred and twenty-five thousand four hundred and sixteen Pounds, to defray the Charge of Clothing and Necessaries which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding One million four hundred fifty-six thousand eight hundred and thirty-four Pounds, to defray the Charge of Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding Two million two hundred thousand five hundred and eighty-one Pounds, to defray the Charge of Warlike Stores for Land and Sea Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding One hundred fifty-eight thousand one hundred and eighty-five Pounds, to defray the Charge of Fortifications at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding One hundred seventy-nine thousand four hundred and seven Pounds, to defray the Charge of Civil Buildings at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand

There shall be issued 6,071,029*l.* for Army Services, viz.:

860,447*l.* for Wages of Artificers, &c.

525,416*l.* for Clothing and Necessaries;

1,456,834*l.* for Provisions, Barrack Furniture, &c.;

2,200,581*l.* for Stores for Land and Sea Service,

158,185*l.* for Fortifications;

179,407*l.* for Civil Buildings;

690,159*l.* for Barracks;

thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding Six hundred ninety thousand one hundred and fifty-nine Pounds, to defray the Charge of Barracks at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive;

9,202,722*l.* for other Army Services, viz.:

and any Sum or Sums of Money not exceeding Nine million two hundred and two thousand seven hundred and twenty-two Pounds for defraying all the other Army Services herein-after more particularly mentioned; (that is to say,)

4,780,000*l.* for Pay, &c. of Land Forces, exclusive of India;

any Sum or Sums of Money not exceeding Four million seven hundred and eighty thousand Pounds, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive;

648,096*l.* for Miscellaneous Charges of ditto;

and any Sum or Sums of Money not exceeding Six hundred forty-eight thousand and ninety-six Pounds, to defray the Charge of the Miscellaneous Charges of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive;

201,833*l.* for Departments of Secretary for War and Commander-in-Chief;

and any Sum or Sums of Money not exceeding Two hundred and one thousand eight hundred and thirty-three Pounds, to defray the Charge of the Departments of the Secretary of State for War, and of the General Commanding in Chief, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive;

398,695*l.* for Manufacturing Departments, &c.,

and any Sum or Sums of Money not exceeding Three hundred ninety-eight thousand six hundred and ninety-five, Pounds, to defray the Charge of the Manufacturing Departments, Military Storekeepers, Barrack Masters, &c. which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive;

133,276*l.* for Volunteer Corps;

and any Sum or Sums of Money not exceeding One hundred thirty-three thousand two hundred and seventy-six Pounds, to defray the Charge of Volunteer Corps in Great Britain, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive;

261,014*l.* for Educational and Scientific Branches;

and any Sum or Sums of Money not exceeding Two hundred sixty-one thousand and fourteen Pounds, to defray the Charge of the Educational and Scientific Branches, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive;

24,300*l.* for Rewards of Military Services;

and any Sum or Sums of Money not exceeding Twenty-four thousand three hundred Pounds, to defray the Charge of Rewards for Military Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money

Money not exceeding Seventy-eight thousand six hundred Pounds, to defray the Charge of the Pay of General Officers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding Four hundred ninety thousand six hundred and sixty-nine Pounds, to defray the Charge of the Pay of Reduced and Retired Officers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding One hundred and eighty-one thousand three hundred and sixty-three Pounds, to defray the Charge of Pensions to Widows of Officers, and of Allowances on the Compassionate List, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding Forty-two thousand nine hundred and fifty-three Pounds, to defray the Charge of Pensions and Allowances to Officers for Wounds, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding Thirty-two thousand four hundred and nine Pounds, to defray the Charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding One million one hundred twenty-four thousand three hundred and sixty-three Pounds, to defray the Charge of the Out-Pensioners of Chelsea Hospital, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding One hundred thirty-eight thousand one hundred and fifty-one Pounds, to defray the Charge of Superannuation and Retired Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two inclusive; and any Sum or Sums of Money not exceeding Six hundred and thirty-seven thousand Pounds, to defray the Charge of the Disembodied Militia for the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to defray further Charges on account of the Volunteer Corps for the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two.

78,600*l.* for General Officers;

490,669*l.* for Reduced and Retired Officers;

181,363*l.* for Pensions to Widows of Officers, and Compassionate List;

42,953*l.* for Pensions, &c. to wounded Officers;

32,409*l.* for In-Pensioners, &c. of Chelsea and Kilmainham Hospitals;

1,124,363*l.* for Out-Pensioners of Chelsea Hospital;

138,151*l.* for Superannuation and Retired Allowances;

637,000*l.* for Disembodied Militia;

30,000*l.* for further Charges on account of Volunteer Corps:

**14.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fifty-

There shall be issued 53,430*l.* 15*s.* 10*d.* for War

with Russia, (Excess of Expenditure).

Fifty-three thousand four hundred and thirty Pounds Fifteen Shillings and Tenpence, to make good to the Treasury Chest Account a Repayment to the Exchequer in Excess of the surplus Balance of the Votes of Credit of the Years One thousand eight hundred and fifty-four and five, One thousand eight hundred and fifty-five and six, and One thousand eight hundred and fifty-six and seven, for the extraordinary Expenses of the War with Russia.

There shall be issued 1,000,000*l.* for Naval and Military Operations in China.

**15.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million Pounds, to defray Expenses consequent on the late Naval and Military Operations in China beyond the ordinary Grants for Army and Navy Services.

There shall be issued 7,225,500*l.* for Exchequer Bills.

**16.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven million two hundred twenty-five thousand five hundred Pounds, to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and sixty-one unprovided for.

There shall be issued 30,000*l.* for Marriage Portion of H.R.H. Princess Alice Maud Mary.

**17.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty thousand Pounds, for the Marriage Portion of Her Royal Highness the Princess Alice Maud Mary.

There shall be issued 17,983*l.* 11*s.* 10*d.* for Revenue Departments' non-effective Charges (Excess of Expenditure);

**18.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seventeen thousand nine hundred and eighty-three Pounds Eleven Shillings and Tenpence, to make good the Excess of Expenditure for non-effective Charges in the Departments of Customs, Inland Revenue, and Post Office, for the Year ended the Thirty-first Day of March One thousand eight hundred and sixty-one.

There shall be issued 750,000*l.* for Customs Department;

**19.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred and fifty thousand Pounds, to defray the Salaries and Expenses of the Customs Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and

1,440,000*l.* for Inland Revenue Department;

any Sum or Sums of Money not exceeding One million four hundred and forty thousand Pounds, to defray the Salaries and Expenses of the Inland Revenue Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money

Money not exceeding Two million and fifty thousand Pounds, to defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Nine hundred nineteen thousand nine hundred and fifty-six Pounds, to defray the Charge of the Packet Service which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five hundred thirty-eight thousand five hundred and seventy-four Pounds, to defray the Charge for Superannuations and Compensation Allowances, Pensions, and other non-effective Charges in the Departments of Customs, Inland Revenue, and Post Office, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two.

2,050,000*l.* for Post Office, &c.;

919,956*l.* for Packet Service;

538,574*l.* for Superannuations, &c., Customs, Inland Revenue, and Post Office.

**20.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seventy-five thousand Pounds, to defray the Charge of Civil Contingencies, to the Thirty-first Day of March One thousand eight hundred and sixty-two.

There shall be issued 75,000*l.* for Civil Contingencies.

CIVIL SERVICES.—*Class* 1.

CIVIL SERVICES. *Class* 1.

**21.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty-eight thousand two hundred and fourteen Pounds, to defray the Expense of Maintenance and Repair of the Royal Palaces to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eighty-five thousand four hundred and seventy Pounds, to defray the Expense of Maintenance and Repair of Public Buildings, for providing the necessary Supply of Water for the same, for Rents of Houses for the temporary Accommodation of Public Departments, and Charges attendant thereon, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty-two thousand four hundred Pounds, to defray the Charge for the Supply and Repair of Furniture in the various Public Departments to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Ninety-eight thousand two hundred and ninety-eight Pounds, to defray the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifty-four thousand six

There shall be issued 38,214*l.* for Repair of Royal Palaces;

85,470*l.* for Maintenance &c. of Public Buildings, temporary Accommodation, &c.;

22,400*l.* for Furniture for Public Departments;

98,298*l.* for Maintenance, &c. of Royal Parks, Pleasure Grounds, &c.;

54,692*l.* for New Houses Parliament;

six hundred and ninety-two Pounds, to defray the Charge for Works and Expenses at the New Houses of Parliament to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three thousand and thirty-five Pounds, to defray the Expense of Maintenance and Repairs to Embassy Houses, &c. abroad to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand nine hundred and eighty-two Pounds, to defray the Expense of repairing and enlarging the New Consular Offices, and the Repairs of the Hospital and Prison at Constantinople, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifty-three thousand Pounds, towards defraying the Cost of the Formation of the Western Approaches to the New Bridge at Westminster, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty-four thousand six hundred and six Pounds, to defray Expenses connected with the New Bridge at Westminster, and for completing the Erection of the same, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eight thousand two hundred Pounds, towards defraying the Expense of erecting New Buildings in connexion with the General Register House, Edinburgh, and of furnishing and fitting-up the same, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eleven thousand two hundred Pounds, towards defraying the Expense of the Erection of the Industrial Museum in Edinburgh in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six thousand eight hundred and seventy Pounds, to defray the Expense of enlarging, repairing, and altering the King's College and Marischal College, Aberdeen University, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eight hundred Pounds, to defray the Expense of placing a Stained Glass Window in Glasgow Cathedral, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums or Money not exceeding Four hundred and thirteen Pounds, to defray Expenses in connexion with the Examination of a Plan and Estimate for the Main Drainage of London, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three thousand Pounds, towards defraying the Expense of Erecting a National Gallery for Paintings, Sculpture, and the Fine Arts, and for the Reception of Archbishop Marsh's Public Library

3,035*l.* for Embassy Houses, &c., abroad;

2,982*l.* for new Consular Offices and Prison at Constantinople;

53,000*l.* for Western Approaches to Westminster Bridge;

64,606*l.* for Westminster Bridge;

8,200*l.* for New Buildings, General Register House, Edinburgh;

11,200*l.* for Industrial Museum, Edinburgh;

6,870*l.* for King's and Marischal Colleges, Aberdeen Univerversity;

800*l.* for Stained Glass Window in Glasgow Cathedral;

413*l.* for Plan and Estimate, Main Drainage of London.

3,000*l.* for National Gallery, &c., Dublin;

Library, in Dublin, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred and sixty thousand Pounds, towards defraying the Expense of constructing certain Harbours of Refuge to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Forty-six thousand seven hundred and two Pounds, on account of Works and Expenses at the New Packet Harbour and Harbour of Refuge at Holyhead, and Portpatrick Harbour, and of Works at Spurn Point, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty-four thousand five hundred and fifty-six Pounds, to defray the Expense of erecting, repairing, and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand six hundred and twenty-eight Pounds, to defray the Charge for Works and the Establishment of Kingstown Harbour to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray One Half of the Expense to be incurred for erecting or improving Court Houses or Offices for the Sheriff Courts in Scotland in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty-two thousand six hundred Pounds, to defray the Expense of erecting and maintaining certain Lighthouses abroad, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five thousand Pounds, on Account of the Commissioners of Highland Roads and Bridges, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, to defray the Cost of Contributions in aid of Local Assessments for the Relief of the Poor in respect of certain Descriptions of Government Property, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, towards defraying the Expense of erecting a new Office for the Secretary of State for Foreign Affairs in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two.

160,000*l.* for Harbours of Refuge;

46,702*l.* for New Packet Harbour and Harbour of Refuge at Holyhead, &c.

64,556*l.* for erecting, &c. Public Buildings, Ireland;

2,628*l.* for Works, &c. of Kingstown Harbour;

5,000*l.* for erecting, &c. Sheriff Courts, Scotland;

32,600*l.* for erecting, &c. Lighthouses abroad;

5,000*l.* for Highland Roads and Bridges,

35,000*l.* for Contributions in aid of Poor Relief Assessments;

30,000*l.* towards erecting a new Foreign Office.

CIVIL SERVICES.—*Class* 2.

CIVIL SERVICES. *Class* 2.

**22.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fifty thousand five hundred and ninety-nine Pounds, to pay the

There shall be issued 50,599*l.* for Salaries, &c. of Houses of Parliament;

the Salaries and Expenses in the Offices of the Two Houses of Parliament, and Allowances to retired Officers, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifty-three thousand one hundred and seventy-three Pounds, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty-five thousand seven hundred and fifty-three Pounds, to pay the Salaries and Expenses in the Office of Her Majesty's Secretary of State for the Home Department to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty-two thousand seven hundred and fifteen Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and Extra Couriers attached to that Department, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty thousand four hundred and forty-nine Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty thousand five hundred and eight Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifty-nine thousand five hundred and ninety-five Pounds, to pay the Salaries and Expenses in the Office of the Committee of Privy Council for Trade, including the Office of the Registrar of Merchant Seamen, the Joint Stock Companies Registration Office, and the Designs Office, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand seven hundred and sixty Pounds, to pay the Salary of the Lord Privy Seal, and the Expenses of his Establishment, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six thousand one hundred and six Pounds, to defray the Expense of conducting the Business of the Civil Service Commission to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirteen thousand five hundred and fifty Pounds, to defray the Salaries and Expenses in the Department of Her Majesty's Paymaster General, including the Branch Pay Office in Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six thousand six hundred and forty Pounds, to pay the Salaries and Expenses in the Department

53,173*l.* for the Treasury;

25,753*l.* for the Home Department;

62,715*l.* for Foreign Department;

30,449*l.* for the Department of Colonies;

20,508*l.* for Privy Council;

59,595*l.* for Committee of Privy Council for Trade, &c.

2,760*l.* for Lord Privy Seal;

6,106*l.* for Civil Service Commission;

13,550*l.* for Paymaster General's Department;

6,640*l.* for Department of Comptroller General of Exchequer;

ment of the Comptroller General of the Exchequer to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty thousand three hundred and thirty-three Pounds, to pay the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty-five thousand seven hundred and eight Pounds, to pay the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirteen thousand seven hundred and fifty-three Pounds, to pay the Salaries and Expenses of the Department of Public Records, including the State Paper Office, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred eighty-four thousand seven hundred and eleven Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seventy-two thousand three hundred and fifty-seven Pounds, to defray the Charge of the Establishment of the Mint, including Expenses of the Coinage, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty-one thousand three hundred and five Pounds, to pay the Salaries and Expenses of the Inspectors of Factories, Mines, &c. to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six thousand two hundred and eighty-four Pounds, to pay the Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Offices in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six thousand four hundred and thirty-one Pounds, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Ten thousand three hundred and thirty-nine Pounds, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four thousand one hundred and eight Pounds, to defray the Salaries and Expenses of the Office of the Inspectors of Lunatic Asylums in Ireland, including the Temporary Allowances for the Architect

30,333*l.* for Office of Commissioners of Works and Public Buildings;

25,708*l.* for Office of Woods, Forests, &c.;

13,753*l.* for Public Record Department and State Paper Office;

184,711*l.* for Administration of Poor Laws

72,357*l.* for the Mint;

21,305*l.* for Salaries, &c. of Inspectors of Factories, Mines, &c.;

6,284*l.* for Civil Charges, &c., Scotland;

6,431*l.* for Officers, &c. of Lord Lieutenant of Ireland;

10,339*l.* for Chief Secretary, &c., Ireland;

4,108*l.* for Inspection, &c. of Lunatic Asylums, Ireland

Architect and Secretary of the Board of Control of Lunatic Asylums, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty-four thousand five hundred and seventy Pounds, to pay the Salaries and Expenses of the Board of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty-three thousand and ninety-two Pounds, to pay the Salaries and Expenses in the Department of the Commissioners for auditing the Public Accounts to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty thousand and twenty-nine Pounds, to defray the Expense of the Copyhold, Inclosure, and Tithe Commission to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twelve thousand one hundred and ninety Pounds, to pay the Imprest Expenses of the Copyhold, Inclosure, and Tithe Commission under the Inclosure and Drainage Acts, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Forty seven thousand one hundred and sixty-three Pounds, to pay the Salaries and Expenses in the Department of the Registrars General of Births, &c., in London, Dublin, and Edinburgh, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fourteen thousand four hundred and eighty-two Pounds, to pay the Salaries and Expenses in the National Debt Office to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four thousand one hundred and twenty Pounds, to defray the Salaries and Expenses of the Establishment under the Public Works Loan Commissioners, and the West India Islands Relief Commissioners, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six thousand nine hundred and seventy-five Pounds, to pay the contingent Expenses of the Office of the Commissioners in Lunacy in England, and the Salaries and Expenses of the Board of Lunacy in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand two hundred and twenty-three Pounds, to defray the Salary and Expenses of the General Superintendent of County Roads in South Wales to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand two hundred and seventy-three Pounds, to pay the Salaries and Expenses in the Departments of the Registrars of Friendly Societies in England, Scotland, and Ireland to the Thirty-first Day of March One thousand eight

24,570*l.* for Board of Public Works, Ireland;

33,092*l.* for Department of Commissioners for auditing Public Accounts;

20,029*l.* for Copyhold, Inclosure, and Tithe Commission;

12,190*l.* for Imprest Expenses, &c. of Copyhold, Inclosure, and Tithe Commission;

47,163*l.* for Salaries, &c. General Register Office, London, Dublin, and Edinburgh;

14,482*l.* for Salaries, &c., National Debt Office;

4,120*l.* for Salaries, &c., Public Works Loan Commission, &c;

6,975*l.* for Lunacy Commission, England, and Salaries, &c., Lunacy Board, Scotland;

1,223*l.* for General Superintendent of County Roads in South Wales;

2,273*l.* for Registrars of Friendly Societies, England, Scotland, and Ireland;

eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seventeen thousand three hundred and ninety-eight Pounds, to pay the Salaries and Expenses of the Charity Commission for England and Wales, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five thousand and fifty-five Pounds, to pay the Salaries and Expenses of the Office in London under the Local Government Act, and the Expense of the Inspection of Burial Grounds in England and Wales, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand one hundred and ninety-two Pounds to defray the Cost of Collecting Agricultural and Emigration Statistics in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand one hundred and thirteen Pounds, to pay the Salaries and Expenses of the Office of Land Revenue Records and Inrolments in London, and of the Landed Estates Record Office in Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand six hundred and forty-four Pounds, to defray Expenses connected with Quarantine Arrangements, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four hundred sixteen thousand two hundred and eighteen Pounds, to defray the Expense of Stationery, Printing, and Binding for the several Public Departments, and for Printing, &c. for the Two Houses of Parliament, including the Expense of the Stationery Office, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred thousand one hundred and forty-eight Pounds to defray the Charge for Postage of Letters on the Public Service in the several Departments, to the Thirty-first Day of March One thousand eight hundred and sixty-two.

17,398*l.* for Charity Commission;

5,055*l.* for Salaries, &c. of Office under the Local Government Act, and Inspection of Burial Grounds;

1,192*l.* for collecting Agricultural and Emigration Statistics, Ireland;

2,113*l.* for Salaries in Land Revenue Records and Inrolments, London, &c.,

1,644*l.* for Quarantine Expenses;

32,000*l.* for Foreign and other Secret Services,

416,218*l.* for Stationery, &c; for Public Departments;

100,148*l.* for Postage of Letters on the Public Service.

CIVIL SERVICES.—*Class* 3.

CIVIL SERVICES, *Class* 3.

**23.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty-two thousand three hundred and ninety-five Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, including Prosecutions relating to Coin, to the Thirty-first Day

There shall be issued 32,395*l.* for Law Charges and Office of Solicitor to the Treasury, &c.;

167,000*l.* for Prosecutions at Assizes and Quarter Sessions, &c.;

Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred and sixty-seven thousand Pounds, to defray the Expenses of Prosecutions at Assizes and Quarter Sessions, formerly paid out of County Rates, including Adjudications under the Criminal Justice Act, Sheriffs' Expenses, Salaries in lieu of Fees to Clerks of Assize and other Officers, and Compensation to Clerks of the Peace under the same Act, to the Thirty-first Day of March One thousand eight hundred and sixty-two;

224,575*l.* for Police in Counties and Boroughs in England and Wales, and Police in Scotland,

and any Sum or Sums of Money not exceeding Two hundred twenty-four thousand five hundred and seventy-five Pounds, to defray certain Charges connected with the Police in Counties and Boroughs in England and Wales, and for Police in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-two;

3,020*l.* for Crown Office, Queen's Bench;

and any Sum or Sums of Money not exceeding Three thousand and twenty Pounds, towards defraying the Expenses of the Crown Office, Queen's Bench, to the Thirty-first Day of March One thousand eight hundred and sixty-two;

10,950*l.* for Department of Registrar of the Admiralty, and Admiralty Court, Dublin;

and any Sum or Sums of Money not exceeding Ten thousand nine hundred and fifty Pounds, to defray the Salaries and Expenses in the Department of the Registrar and Marshal of the High Court of Admiralty, and the Expenses of the Admiralty Court, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two;

6,176*l.* for Insolvent Debtors Court;

and any Sum or Sums of Money not exceeding Six thousand one hundred and seventy-six Pounds, to defray the Salaries of the Commissioners and other Officers, and the Expenses of the Insolvent Debtors Court, to the Thirty-first Day of March One thousand eight hundred and sixty-two;

71,980*l.* for Court of Probate, &c.;

and any Sum or Sums of Money not exceeding Seventy-one thousand nine hundred and eighty Pounds, to defray the Salaries and Expenses of the Court of Probate and Divorce and Matrimonial Causes to the Thirty-first Day of March One thousand eight hundred and sixty-two;

200,320*l.* for County Courts;

and any Sum or Sums of Money not exceeding Two hundred thousand three hundred and twenty Pounds, to defray the Salaries and Expenses of the County Courts to the Thirty-first Day of March One thousand eight hundred and sixty-two;

21,355*l.* for Police Courts of the Metropolis;

and any Sum or Sums of Money not exceeding Twenty-one thousand three hundred and fifty-five Pounds, to defray the Expenses of the Police Courts of the Metropolis to the Thirty-first Day of March One thousand eight hundred and sixty-two;

136,204*l.* for Metropolitan Police;

and any Sum or Sums of Money not exceeding One hundred thirty-six thousand two hundred and four Pounds, towards defraying the Expenses of the Metropolitan Police to the Thirty-first Day of March One thousand eight hundred and sixty-two;

3,500*l.* for Queen's Prison;

and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to defray the Salaries and Expenses of the Queen's Prison to the Thirty-first Day of March One thousand eight hundred and sixty-two;

17,850*l.* for Revising

and any Sum or

or Sums of Money not exceeding Seventeen thousand eight hundred and fifty Pounds, to defray the Charge for the Remuneration to Revising Barristers in England and Wales, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three thousand three hundred and forty-two Pounds, to defray the Salaries of the Lord Advocate and of the Solicitor General, Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eighteen thousand two hundred and thirteen Pounds, to defray the Salaries and Expenses of the Court of Session in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eleven thousand and seventy-one Pounds, to defray the Salaries and Expenses of the Court of Justiciary in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Expenses of Criminal Prosecutions carried on under the Authority of the Lord Advocate to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand six hundred and twenty Pounds, to defray the Salaries and Expenses of the legal Branch of the Exchequer in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds to defray the Charge of Sheriffs and Stewards, including Procurators Fiscal not paid by Salaries, and the Expenses of Criminal Prosecutions, &c. in Sheriff Courts in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eighteen thousand nine hundred and thirty-five Pounds, to defray the Salaries of such of the Procurators Fiscal in Scotland as are no longer paid by Fees to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eleven thousand seven hundred and thirty Pounds, to defray the Salaries of such of the Sheriff Clerks, Scotland, as are not chargeable on the Consolidated Fund, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand two hundred Pounds, to defray the Salary of the Solicitor of the Crown, and Expenses in Matters of Tithes, and the Expenses of the Agent of the Officers of State in maintaining Rights of the Crown in Civil Actions, &c. in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seventeen thousand four hundred and fifty-seven Pounds, to defray the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh,

Barristers, England and Wales.

3,342*l.* for Lord Advocate and Solicitor General, Scotland;

18,213*l.* for Salaries, Court of Session, Scotland;

11,071*l.* for Court of Justiciary, Scotland;

4,000*l.* for Criminal Prosecutions by Lord Advocate;

1,620*l.* for certain Officers in the Exchequer in Scotland;

25,000*l.* for Criminal Prosecutions, &c. in Scotland;

18,935*l.* for Procurators Fiscal in Scotland;

11,730*l.* for Sheriff Clerks Scotland;

2,200*l.* for Expenses in Matters of Tithes, &c.;

17,457*l.* for General Register House, Edinburgh;

burgh, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand four hundred and twenty-five Pounds, to defray the Salaries and Expenses in the Department of the Commissary Clerk, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand five hundred and twenty-eight Pounds, to defray the Salaries and Expenses in the Department of the Accountant in Bankruptcy in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty-one thousand six hundred and thirty-four Pounds, to defray the Expense of Criminal Prosecutions and other Law Charges in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four thousand six hundred and sixty-three Pounds, to defray the Salaries and Expenses of certain Officers of the Court of Chancery in Ireland formerly charged on the Consolidated Fund, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eighteen thousand eight hundred and fifty-one Pounds, to defray the Salaries and Expenses of the Courts of Queen's Bench, Common Pleas, and Exchequer in Ireland, and the Salary of the Clerk to the Taxing Officers of the said Courts, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five thousand nine hundred and thirty-two Pounds, to defray the Salaries of the Registrars to the Judges and the Salaries and Expenses of the Registrars of Nisi Prius, and of the Clerk of the Court of Errors in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray Compensations to Seneschals and other Officers of Manor Courts in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand three hundred and nineteen Pounds, to defray the Salaries and Expenses in the Office for the Registration of Judgments in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three hundred Pounds, to pay the Fees to Advocates appointed to act as Commissioners of the High Court of Delegates in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seven thousand eight hundred and eighty-eight Pounds, to defray the Salaries of the Judges and Officers, and the incidental Expenses of the Court of Bankruptcy and Insolvency in Ireland, and the Compensations awarded under the Act of the Twentieth and Twenty-

2,425*l.* for Department of Commissary Clerk, Edinburgh;

1,528*l.* for Department of Accountant in Bankruptcy, Scotland;

61,634*l.* for Criminal Prosecutions, &c., Ireland;

4,663*l.* for Court of Chancery, Ireland;

18,851*l.* for Courts of Queen's Bench, Common Pleas, &c. Ireland;

5,932*l.* for Registrars to Judges, Ireland, &c.;

4,000*l.* for Compensations to Seneschals, of Manor Courts, Ireland;

2,319*l.* for Office for Registration of Judgments in Ireland;

300*l.* for Fees to Advocates, High Court of Delegates;

7,888*l.* for Salaries, &c. of Court of Bankruptcy, &c. Ireland;

Twenty-first Years of Her Majesty, Chapter Sixty, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seven thousand three hundred and eighty Pounds, to defray the Salaries of the Court of Probate in Ireland, and the Expenses of the said Court, and of the District Registries, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eleven thousand three hundred and eleven Pounds, to defray the Salaries and Expenses of the Officers of the Landed Estates Court, Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand two hundred and fifty-three Pounds, to defray the Salaries of the Consolidated Office of Writs, Four Courts, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four hundred and fifty Pounds, for Remuneration to Revising Barristers in the City of Dublin to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Forty-seven thousand and Fifty-one Pounds, towards defraying the Salaries of the Police Justices and the Expenses of the Divisional Police Courts and the Metropolitan Police, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six hundred ninety-six thousand nine hundred and forty-seven Pounds, to defray the Expense of the Constabulary Force in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand seven hundred and seventeen Pounds, to defray the Expenses of the Four Courts Marshalsea Prison, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seventeen thousand six hundred and ninety-five Pounds, to defray the Charge of Inspection and general Superintendence over all the Prisons in the United Kingdom to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three hundred fifty-six thousand eight hundred and seventy-nine Pounds, to defray the Charge of Government Prisons and Convict Establishments at home to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two hundred eleven thousand nine hundred and seventy-six Pounds, to defray the Expense of the Maintenance of Prisoners in County Gaols, Reformatory Institutions, and Lunatic Asylums, and the Expenses of the Removal of Convicts, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred and seventy-six Pounds, to defray Expenses connected with the Transportation of Convicts,

7,380*l.* for Court of Probate, &c. Ireland;

11,311*l.* for Landed Estates Court, Ireland;

2,253*l.* for Consolidated Office of Writs, Four Courts, Dublin;

450*l.* for Revising Barristers, Dublin;

47,051*l.* for Salaries of Police Justices, Metropolitan Police, &c. Dublin;

696,947*l.* for Constabulary Force, Ireland;

2,717*l.* for Four Courts, Marshalsea, Dublin;

17,695*l.* for General Superintendence of Prisons, &c.;

356,879*l.* for Government Prisons and Convict Establishments at home,

211,976*l.* for Maintenance of Prisoners and Removal of Convicts;

15,776*l.* for Transportation of Convicts,

Convicts, &c. to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred fifty thousand five hundred and ninety Pounds, to defray the Expense of the Convict Establishments in the Colonies to the Thirty-first Day of March One thousand eight hundred and sixty-two.

150,590*l.* for Convict Establishments in the Colonies.

CIVIL SERVICES. *Class* 4.

There shall be issued 803,794*l.* for Public Education, Great Britain;

111,484*l.* for Department of Science and Art, &c.;

285,377*l.* Public Education, Ireland;

1,257*l.* for Secretary, &c. of Commissioners of Education, Ireland;

4,995*l.* for University of London;

16,285*l.* for Scottish Universities;

2,336*l.* for Queen's University, Ireland;

4,800*l.* for Queen's Colleges, Ireland;

500*l.* for Royal Irish Academy;

2,500*l.* for Theological Professors,

CIVIL SERVICES.—*Class* 4.

24. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight hundred and three thousand seven hundred and ninety-four Pounds, to defray the Charge for Public Education in Great Britain to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred eleven thousand four hundred and eighty-four Pounds, to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connexion with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two hundred eighty-five thousand three hundred and seventy-seven Pounds, to defray the Charge for Public Education in Ireland, under the Commissioners of National Education in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand two hundred and fifty-seven Pounds, to pay the Salary of the Secretary and the Expenses of the Office of the Commissioners of Education in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four thousand nine hundred and ninety-five Pounds, towards defraying the Expenses of the University of London to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixteen thousand two hundred and eighty-five Pounds, to pay Grants to Scottish Universities, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand three hundred and thirty-six Pounds, to defray the Expenses of the Queen's University in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four thousand eight hundred Pounds, to defray certain Expenses of the Queen's Colleges in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Royal Irish Academy to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to pay the Salaries

Salaries of the Theological Professors and the incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twelve thousand one hundred and thirty-four Pounds, to defray the Expenses of the National Gallery, including the Purchase of Pictures, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards the Formation of the Gallery of Portraits of the most Eminent Persons in British History, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expense of purchasing Objects of Art from the Collection of Prince Soltykoff in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seven thousand six hundred and twenty Pounds, to defray the Expense of Magnetic Observations abroad, including the Superintendent's Establishment at Woolwich, also for Observations and Services under the Direction of the Astronomer Royal, and for Meteorological Observations at Sea, &c., including a Sum in aid of the temporary Maintenance by the Royal Astronomical Society of an Observatory near Poonah, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable the Royal Geographical Society to provide Accommodation for their Meetings, &c. to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand Pounds, to enable the Royal Society to carry on certain Experiments for public Objects to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred thousand four hundred and fourteen Pounds, to defray the Salaries and Expenses of the British Museum Establishment, including the Expense of New Buildings, Furniture, Fittings, &c., to the Thirty-first Day of March One thousand eight hundred and sixty-two.

Retired Allowances, &c. Belfast;

12,134*l.* for Expenses, Purchase of Pictures, &c. of the National Gallery;

2,000*l.* for Gallery of Portraits of Eminent Persons;

3,000*l.* for purchasing Objects of Art from Prince Soltykoff's Collection;

7,620*l* for Magnetic Observations abroad, &c.;

500*l.* for Royal Geographical Society;

1,000*l.* for Experiments by Royal Society;

100,414*l.* for Salaries, &c. at British Museum, including Buildings, &c.

CIVIL SERVICES.—*Class* 5.

CIVIL SERVICES, *Class* 5.

**25.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four thousand three hundred Pounds, towards defraying the Charge of the Civil Establishment of the Bermudas to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six thousand two hundred and seventy-eight Pounds, to defray the Charge of the Ecclesiastical Establish-

There shall be issued 4,300*l* for Civil Establishment, Bermudas;

6,278*l.* for Ecclesiastical Establishment of British North American Provinces;

Establishment of the British North American Provinces to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, to defray the Charge of the Indian Department in Canada to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seventeen thousand eight hundred Pounds, towards defraying the Charge of British Columbia to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fourteen thousand seven hundred and twenty-eight Pounds, to defray the Salaries of the Governors, Lieutenant Governors, and others in the West Indies and certain other Colonies to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five thousand seven hundred and six Pounds, to defray the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the West India Colonies and the Mauritius to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifteen thousand two hundred and thirty Pounds, towards defraying the Charge of the Civil Establishments on the Western Coast of Africa to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five thousand nine hundred and fifty-four Pounds, to defray Charges connected with the Island of Saint Helena to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray Charges connected with the Settlement of the Orange River Territory (Cape of Good Hope), to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, for promoting the Improvement of the Kaffirs, and the Settlement and Government of British Kaffraria, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Nine hundred and sixty Pounds, to defray the Charge of Heligoland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three thousand nine hundred and eighty-six Pounds, towards defraying the Charge of the Falkland Islands to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eight thousand and fourteen Pounds, towards defraying the Charge of Labuan to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Five hundred Pounds, to defray the Expense of the Pitcairn's Islanders in Norfolk Island, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding

1,600*l.* for Indian Department, Canada;

17,800*l.* for British Columbia;

14,728*l.* for Salaries of West Indian and Colonial Governors;

5,706*l.* for Stipendiary Justices in West Indies and Mauritius;

15,230*l.* for Civil Establishments, West Coast of Africa;

5,954*l.* for St. Helena;

700*l.* for Officers employed in Orange River Territory;

15,000*l.* for Improvement of Kaffirs, and Government of British Kaffraria;

960*l.* for Heligoland;

3,986*l.* for Falkland Islands;

8,014*l.* for Labuan;

500*l.* for Pitcairn's Islanders;

exceeding One thousand eight hundred Pounds, for defraying the Expense, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two, of the Inquiry into the Expediency of accepting the Offer made by the Chief of the Fiji Islands to cede the Sovereignty of those Islands to Her Majesty; and any Sum or Sums of Money not exceeding Ten thousand and ninety Pounds, to defray the Charge of the Emigration Board, and of the Emigration Officers at the different Ports of this Kingdom, also to defray certain Expenses connected with Emigration, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred twenty-five thousand and ninety-eight Pounds, to defray Expenses on account of the Treasury Chest to the Thirty-first Day of March One thousand eight hundred and sixty two; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray the Expense of the Expedition to the River Zambesi, in Africa, under Dr. Livingstone, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Cost of the Expedition to the Niger under the charge of Dr. Baikie, including the Employment of Vessels for the Navigation of that River to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards defraying the Expense of an Exploration in the North-western Part of Australia to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray Expenses incurred for the Support and Conveyance of captured Negroes and liberated Africans, for Bounties on Slaves, and Tonnage Bounties, and for other Charges under the Acts for the Abolition of the Slave Trade to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Four thousand seven hundred and fifty Pounds, to pay the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred sixty-eight thousand one hundred and forty-three Pounds, to defray the Expense of the Consular Establishments abroad to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty-four thousand six hundred and forty-six Pounds, to defray the Expenses of the Establishments in China, Japan, and Siam to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Forty thousand Pounds, for the extraordinary Disbursements of Her Majesty's Embassies and

1,800*l.* for Inquiry concerning Sovereignty of Fiji Islands;

10,090*l.* for Emigration Board and Officers;

125,098*l.* for Expenses on Account of Treasury Chest;

5,000*l.* for Expedition to River Zambesi;

7,000*l.* for Expedition to River Niger;

2,000*l.* for Exploration in North Western Part of Australia;

50,000*l.* for Support of captured Negroes and liberated Africans, &c.

4,750*l.* for Mixed Commissions for suppressing the Slave Trade;

168,143*l.* for Consular Establishments abroad;

64,646*l.* for Establishments in China, Japan, and Siam;

40,000*l.* for Extraordinary Disbursements of Embassies and Missions abroad;

and Missions abroad to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Expense of Special Missions, Diplomatic Outfits, and Conveyance of Colonial Officers and others to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Sixty thousand Pounds, to defray the Expenses of surveying the Line of Boundary between the British and United States Territory, in the Western Part of North America to the Thirty-first Day of March One thousand eight hundred and sixty-two.

50,000*l.* for Special Missions, Outfits, &c.;

60,000*l.* for surveying Boundary Line in Western Part of North America:

CIVIL SERVICES.—*Class* 6.

CIVIL SERVICES. *Class* 6.

**26.** Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred eighty-five thousand one hundred and forty Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Service to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Commutation of certain Annual Compensations granted under the Probates and Letters of Administration Acts (1857), to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand and forty Pounds, to enable Her Majesty to grant Relief to Toulonese and Corsican Emigrants, St. Domingo Sufferers, American Loyalists, and others who have heretofore received Allowances from Her Majesty to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three hundred and twenty-five Pounds, towards the Support of "The Refuge for the Destitute," to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three thousand two hundred and ten Pounds, for Payment of the Subsistence of the Polish Refugees and Allowances to distressed Spaniards, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three thousand nine hundred and fifty-one Pounds, to pay Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues, &c., and for which no permanent Provision has been made by Parliament, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand five hundred and thirty-nine Pounds, to pay to the Treasurers of Public Infirmaries in Ireland the Allowances granted under certain Acts of Parliament to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums

There shall be issued 185,140*l.* for Superannuation Allowances, and Compensations, Public Service;

10,000*l.* for Compensation under Probates and Letters of Administration Acts 1857.

1,040*l.* for Toulonese and Corsican Emigrants, &c.;

325*l.* for the Refuge for the Destitute;

3,210*l.* for Polish Refugees, &c.;

3,951*l.* for Miscellaneous Allowances formerly defrayed from Civil List, &c.;

2,539*l.* for Treasurers of Public Infirmaries, Ireland;

2,600*l.* for Westmoreland

*Consolidated Fund (Appropriation).*

Sums of Money not exceeding Two thousand six hundred Pounds, to defray the Expense of the Westmoreland Lock Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seven hundred Pounds, towards defraying the Expense of the Rotunda Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two hundred Pounds, towards defraying the Expense of the Coombe Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Seven thousand six hundred Pounds, to defray the Expense of the Hospitals of the House of Industry, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, towards defraying the Expense of the House of Recovery and Fever Hospital, Cork Street, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Six hundred Pounds, towards defraying the Expense of the Meath Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred Pounds, towards defraying the Expense of St. Mark's Ophthalmic Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand three hundred Pounds, towards defraying the Expense of Doctor Steevens' Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two hundred and sixty-five Pounds, to defray the Expenses of the Board of Superintendence of Hospitals in Dublin to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Fifty-eight thousand seven hundred Pounds, to defray the Charge for Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant Seamen's Fund, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty thousand four hundred Pounds, to defray the Charges on account of Distressed British Seamen abroad, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eight thousand seven hundred and twenty-one Pounds, to pay Charitable Allowances charged on the Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from Grants for the Lord Lieutenant's Household, Civil

Lock Hospital, Dublin;

700*l.* for Rotunda Lying-in Hospital, Dublin;

200*l.* for Coombe Lying-in Hospital, Dublin,

7,600*l.* for Hospitals of House of Industry, Dublin;

2,500*l.* for House of Recovery and Fever Hospital, Dublin;

600*l.* for Meath Hospital, Dublin;

100*l.* for St. Mark's Ophthalmic Hospital, Dublin;

1,300*l.* for Dr. Steevens' Hospital, Dublin;

265*l.* for Board of Superintendence of Hospitals, Dublin;

58,700*l.* for Pensions to Masters, &c. of Merchant Service;

20,400*l.* for Distressed British Seamen abroad;

8,721*l.* for Charitable Allowances charged on Concordatum Fund in Ireland, &c.;

Civil Contingencies, &c. to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty-nine thousand seven hundred and forty-seven Pounds, to defray the Expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two.

39,747*l.* for Nonconforming, &c. Ministers in Ireland.

CIVIL SERVICES.—*Class 7.*

CIVIL SERVICES. *Class 7.*

27. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand seven hundred and fifty Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for England to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Eighteen thousand seven hundred and six Pounds, to pay the Salaries and Expenses of sundry temporary Commissions to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Twenty-nine thousand and five Pounds, to defray the Fees, Salaries, Expenses, and Compensations, payable under the Provisions of the Patent Law Amendment Act, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirteen thousand and eighteen Pounds, to pay the Salaries and Expenses of the Board of Fisheries in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Charge on account of the Annuity to the Board of Manufactures in Scotland in discharge of Equivalents under the Treaty of Union to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, to defray the Charge for Payments on account of the Difference of Dues payable by British or Foreign Vessels under Treaties of Reciprocity to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to pay the Salaries of Inspectors of Corn Returns, and the Expenses defrayed by Counties for Corn Returns, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray the Expense of adjusting and defining the Boundaries of Counties, Baronies, and Parishes in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred twenty-six thousand nine hundred and thirty Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and sixty-two, the Expense of taking

3,750*l.* for Ecclesiastical Commissioners, England;

18,706*l.* for Salaries, &c. for sundry temporary Commissions;

29,005*l.* for Fees, &c. under Patent Law Amendment Act;

13,018*l.* for Board of Fisheries, Scotland;

2,000*l.* for Annuity to Board of Manufacturers, Scotland;

35,000*l.* for Dues payable under Treaties of Reciprocity;

3,500*l.* for Inspectors of Corn Returns;

1,000*l.* for defining Boundaries of Counties, &c., Ireland;

126,930*l.* for Expenses of Census;

taking the Census of the Population of the United Kingdom; and any Sum or Sums of Money not exceeding Twenty-six thousand four hundred and fifty-seven Pounds, to fulfil the Engagements entered into by Her Majesty's Government with certain Telegraph Companies, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding Thirty-six thousand six hundred Pounds, towards defraying the Expense of a Telegraphic Communication between Malta and Alexandria, to the Thirty-first Day of March One thousand eight hundred and sixty-two; and any Sum or Sums of Money not exceeding One hundred and fifty-five thousand Pounds, to defray the Proportion of the Compensation payable by Great Britain for the Sacrifices which will be imposed on the King of Hanover by the Stipulations of the Treaty of the Twenty-second June One thousand eight hundred and sixty-one, concluded with a view to relieve the Navigation of the Elbe from the Duty known under the Denomination of the Stade or Brunshausen Toll.

26,457*l.* for Engagements with Telegraph Companies;

36,600*l.* for Telegraphic Communication between Malta and Alexandria;

155,000*l.* for Redemption of Stade Tolls.

**28.** The said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses, Intents, and Purposes before mentioned, or for the other Payments, Appropriation, or Application directed to be made or satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Supplies to be applied only for the Purposes aforesaid.

**29.** The respective Departments charged with the detailed Application of the Sums granted by this Act for Navy and Army Services, shall confine the Expenditure of their respective Departments within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Twelve million two hundred seventy-six thousand two hundred and fifty Pounds granted by this Act for Naval Services; and in the Sum of Six million seventy-one thousand and twenty-nine Pounds granted by this Act for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing and Necessaries, Provisions, Forage, Fuel, and Light, Barrack Furniture, Bedding, &c., and the Charge of Stores for Land and Sea Service, and the Charge of Fortifications, Works, Buildings, and Barracks at home and abroad; and in the Sum of Nine million two hundred two thousand seven hundred and twenty-two Pounds granted by this Act for all other Army Services: Provided always, that if the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the said aggregate Sums granted by this

Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted.

Treasury may, on Application, alter the proportionate Amounts for such separate Services, pro-

vided the total Grant to each Department be not exceeded.

this Act for Naval Services or for Army Services, the Department in which such Necessity shall have arisen shall represent the Circumstance which may have led to it in Writing to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being signified by the Commissioners of Her Majesty's Treasury, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Twelve million two hundred seventy-six thousand two hundred and fifty Pounds granted by this Act for Naval Services, or the aggregate Sum of Fifteen million two hundred seventy-three thousand seven hundred and fifty-one Pounds for the Army Services specified, shall not be exceeded: Provided also, that there shall be laid before the House of Commons with the Navy and Army Estimates for each Year a Statement showing all Cases in which the Naval and Military Departments shall have obtained the Sanction of the Commissioners of Her Majesty's Treasury to any Alteration in the Sums appropriated to the respective Votes aforesaid, during the Year ended on the Thirty-first Day of December of the preceding Year, together with Copies of the Representations made to the Commissioners of Her Majesty's Treasury by the said Departments

Rules to be observed in the Application of the Sum appropriating Half Pay.

30. And as to the Sum of Three hundred and fifty thousand Pounds, being the Proportion of the Sum of Four hundred ninety thousand six hundred and sixty-nine Pounds by this Act appropriated to the Pay of Reduced and Retired Officers, which is applicable to the Half Pay of Officers of Her Majesty's Forces, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto

as

as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary-at-War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary-at-War as aforesaid, to issue, on or before the Twenty-fourth Day of December One thousand eight hundred and sixty-one, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary-at-War; but no Person who, after the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, has been appointed to any Civil Place or Employment

of

of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Secretary of State for War, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in Great Britain or Ireland, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of January One thousand eight hundred and sixty-two it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Place or Employment of Profit under Her Majesty or any other Government, since the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, through the Secretary-at-War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of April, if Parliament be then sitting, or, if Parliament shall not then be sitting, on the First Day of the Sitting of Parliament after the First Day of April, of the Number of Officers who are allowed to receive their Half Pay with Civil Emoluments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury.

**31.** It shall be lawful for the Commissioners of Her Majesty's Treasury to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be

be of opinion that the Employment of such Military Officers in the Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

may issue Half Pay to Officers appointed to Civil Offices since July 1828

**32.** And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown, and that they should be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

**33.** And as to the Sum of One hundred eighty-one thousand three hundred and sixty-three Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces, and for defraying the Charge of Allowances on the Compassionate List as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Widows, &c. claiming Pensions to make required Declaration.

**34.** Any such Declaration as well as all Declarations for other Army and Navy non-effective Services shall and may be made and

Declarations to be made as specified in 5 & 6 W. 4. c. 62.

and subscribed before any One or more of Her Majesty's Justices of the Peace, Notary Public, resident Parish Minister, or other Person now by Law authorized to administer or receive such Declarations, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of His late Majesty for the Abolition of unnecessary Oaths.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

in conformity with the Provisions of certain Acts.

make any Grant by Copy of Court Roll or Lease of any such Manors, Lands, Tenements, or Hereditaments in consideration of any Fine, Premium, or Foregift, but the same may, by any Rector Vicar, Perpetual Curate, or Incumbent appointed after the passing of this Act, be leased sold, exchanged, or enfranchised, or disposed of under the Provisions of a certain Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her Majesty, Chapter Twenty-seven, intituled *An Act for better enabling Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases;* of a certain other Act passed in the same Session of Parliament, Chapter One hundred and eight, intituled *An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years;* and of a certain other Act passed in the Session of Parliament held in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter Fifty-seven, intituled *An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years,* or such of the Provisions of such Acts respectively as are now in force.

Reserving Rights of present Incumbents and other Rights.

2. Nothing herein contained shall interfere with or prevent the Right and Power of any such present Prebendary, Rector, Vicar, Perpetual Curate, or Incumbent, during his Incumbency, to make any Grant by Copy of Court Roll or Lease which he might lawfully have made before the passing of this Act, and nothing herein contained shall prejudice or affect any Grant heretofore made by any such Prebendary, Rector, Vicar, Perpetual Curate, or Incumbent, or any Right of Renewal or Tenant Right, if any such there be, in any Manors, Lands, Tenements, or Hereditaments held under any such Grant, or under any Lease, nor shall this Act prejudice or affect any Power of Sale, Exchange, or Enfranchisement existing under any Statute now in force, or any present or future Right of Admission of any Person to any Copyhold Tenement according to the Custom of the Manor of which it is holden, and to which such Person may be legally entitled.

Rectors to have same Powers of Sale as are possessed by Ecclesiastical Corporations.

3. Notwithstanding anything contained in the Eleventh Section of an Act passed in the Session held in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, any Rector, Vicar, Perpetual Curate, or Incumbent shall have such and the same Powers of Sale, Exchange, and Enfranchisement as are possessed by any Ecclesiastical Corporation, sole or aggregate, under any Act now in force; and the Provisions of an Act passed in the Session held in the Twenty-third and Twenty-fourth Years of Her Majesty,

*Leases, &c. by Incumbents Restriction.*

Majesty, Chapter One hundred and twenty-four, shall, so far as the same relate to Powers for the raising or Application of Money by Trustees, Allowances to Lessees, Arbitration, Valuation, Rate of Interest, Apportionment of Rent, and Substitution of Titles on Exchange, be applied, *mutatis mutandis*, to Sales, Exchanges, or Enfranchisements of any Manors, Lands, Tenements, or Hereditaments in this Act comprised; but the Proceeds of any such Sales or Enfranchisements, and any Monies received by way of Equality of Exchange, shall be applied according to the Provisions in that Behalf contained in the said Act passed in the Session held in the Fifth and Sixth Years of Her Majesty, Chapter One hundred and eight, and in the said Act passed in the Session held in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Fifty-seven.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

under his or their Hand or Hands, to stop up and close, either partly or altogether, the said Harbour of *Portpatrick* during the Execution of the said Works, when and so long and so often as the said Lord High Admiral or the said Commissioners shall deem fit, and during the Time the said Harbour shall be so stopped up or closed it shall not be lawful for any Person to navigate or move or cause to be navigated or moved any Ship or any Vessel, Boat, or Barge of any Description into or out of or within the said Harbour, save and except in such Cases and under such Circumstances and Restrictions as the said Lord High Admiral or the said Commissioners shall by Writing under his or their Hand or Hands permit.

Penalty for navigating Ship, &c. in the Harbour when ordered to be closed.

2. If any Person navigate or move, or cause to be navigated or moved, any Ship, Vessel, Boat, or Barge, contrary to the Provisions of this Act, every such Offender shall forfeit and pay any Sum not exceeding Twenty Pounds, and shall also pay the full Amount of all Damage (if any) which the said Works, and the Machinery and other Means for executing such Works, or any of them, or any Part thereof, may have thereby sustained; and every such Penalty, and the Amount of every such Damage, (if any,) shall be paid to such Officer or Person as the said Lord High Admiral or the said Commissioners may direct, notwithstanding any Law to the contrary, and may be recovered by the Procurator Fiscal of any Court, or any Person or Persons who shall, with the Permission of the said Lord High Admiral or the said Commissioners, sue for the same before any Sheriff or Two Justices of the Peace; and it shall be lawful for the Sheriff or Justices before whom any Complaint for the Recovery of any Penalty or Damage may be brought to proceed in a summary Way, and to grant Warrant for bringing the Parties complained upon immediately before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of any Penalties, Expenses, and Damage decerned for, failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period, at the Discretion of the Sheriff or Justices, not exceeding Six Calendar Months.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

The Expression "Burgh School" shall mean and include every Burgh, Grammar, or other public School, not being a Parochial School.

Salaries of Schoolmasters to be not less than 35*l.* nor more than 70*l.* per Annum, but where Two or more Schools, Salaries not to be less than 50*l.* nor more than 80*l.*

2. From and after the Term of *Martinmas* next after the passing of this Act the Salary of every Schoolmaster of any Parochial School shall not be less than the Sum of Thirty-five Pounds nor more than the Sum of Seventy Pounds *per Annum*: Provided always, that where Two or more Schools have been or shall be established in any Parish in Terms of the said Act the total Amount of the Salary payable to the Schoolmasters therein shall not be less than Fifty Pounds nor more than Eighty Pounds *per Annum*, to be apportioned among the said Schoolmasters as the Heritors shall determine, in the Manner provided by the said Act; and the Salaries herein provided shall be in lieu of the Salaries payable under the Provisions of the said Act: Provided also, that it shall be lawful for the Heritors, if they shall think fit, to make any Addition granted by them to the Salary of any Schoolmaster beyond the minimum Amount hereby fixed to be dependent upon the Number of Scholars receiving Instruction in his School, under such Regulations as they may deem expedient.

Salary to be fixed by the Heritors and Minister, and to be payable in Money at the Terms and under Conditions now in use.

3. The Minister of every Parish in which there is a Parochial School shall, within Three Months from and after the passing of this Act, and on every Occasion of a Vacancy in the Office of Schoolmaster within Six Weeks after such Vacancy shall have taken place, call a Meeting of the Heritors together with the said Minister, in the Manner prescribed in the said recited Act, for the Purpose of fixing the Salary of the Schoolmaster under this Act, subject always to the Appeal provided in the said recited Act; and the Salary to be so fixed shall be payable in Sterling Money, at the same Terms and under the same Conditions, Provisions, and Regulations as are at present in use; and in case in regard to any Parish such Meeting shall not have been held or the Salary shall not have been fixed in manner and within the Period herein prescribed, the Salary shall, until such Meeting shall have been held and such Salary so fixed, be held as fixed at the Amount of Fifty Pounds *per Annum*, which Amount shall be payable to the Schoolmaster in manner herein-before prescribed; and where Two or more Schools have been established in any One Parish, the said Sum of Fifty Pounds shall be payable to the several Schoolmasters thereof, in the same Proportion according to which their several Salaries were payable before the passing of this Act: Provided always, that where any Parish shall be vacant at the Time of the passing of this Act, or become vacant before any such Meeting shall be called, or where any Minister shall decline or delay calling such Meeting, after having been required so to do by any Heritor or Heritors

Heritors holding not less than One Third of the Valuation of the Parish, it shall be competent for such Heritor or Heritors to call, by Notice affixed to the Door of the Parish Church, and either a Circular sent to each Heritor, or an Advertisement published in a Newspaper of general Circulation in the District, a Meeting for the Purpose of fixing the Salary of the Schoolmaster under this Act, and the Salary fixed at such Meeting within the Limits specified in this Act shall be the Salary of the Schoolmaster or Schoolmasters.

Heritors may discontinue existing Side Schools.

4. At the Meeting aforesaid it shall be lawful for the Heritors and Minister to resolve to discontinue, from and after a Date to be fixed by them, any subsisting Side School in the Parish: Provided always, that if such Side School is not vacant at the Date of such Meeting they shall provide to the Schoolmaster thereof during his Life, from and after its Discontinuance, an annual Payment equal in Amount to the full Salary to which at the Date of the passing of this Act he had Right by Law, under the Provisions of the said recited Act, together with the annual Value of any Dwelling House to which he may have been entitled as such Schoolmaster, as the same is or shall be valued by the Assessor for the County, which Amount shall be assessed, levied, and paid over and above the Salaries payable under this Act, and in like Manner as such Salaries are hereby directed to be assessed, levied, and paid.

Heritors may establish a Female Teacher.

5. It shall be lawful for the Heritors and Minister, at the Meeting aforesaid, or at any subsequent Meeting duly called for that Purpose, to resolve that a Female Teacher shall be established, to give Instruction in such Branches of Female Industrial and Household Training, as well as of Elementary Education, as they shall then or from Time to Time prescribe, and to provide, over and above the Salary herein-before mentioned, a yearly Sum not exceeding Thirty Pounds as a Salary for such Female Teacher, which yearly Sum shall be assessed, levied, and paid in like Manner as such herein-before mentioned Salary is hereby directed to be assessed, levied and paid; and it shall be lawful for the said Heritors and Minister to engage and appoint such Female Teacher for such Period of Time and on such Terms and Conditions as shall be agreed on.

Side School Teacher may be required to resign, on increasing Salaries, Provision being made for him during Life.

6. It shall be lawful for the Heritors and Minister, at such Meeting as aforesaid, to resolve to require the Teacher of any Side School in the Parish, on a Notice of not less than Three Months, to resign his Office, on their providing to him during his Life an annual Payment equal in Amount to the full Salary to which at the Date of the passing of this Act he had Right by Law, under the Provisions of the said recited Act, together with the annual Value of any Dwelling House

House to which he may have been entitled as such Schoolmaster, as the same is or shall be valued by the Assessor of the County, which Amount shall be assessed, levied, and paid over and above the Salaries payable under this Act, and in like Manner as such Salaries are hereby directed to be assessed, levied, and paid; and at the Expiry of Three Months from Notice as aforesaid, if such Teacher shall not previously have given in his Resignation, the Heritors and Minister having made Provision for such annual Payment as aforesaid, the Right of such Teacher to his Office shall cease and determine.

Salaries where not fixed at the maximum Amount may be increased.

7. If in any Parish the Salary shall have been fixed at a yearly Sum less than the maximum Amount herein-before specified, it shall be lawful to the Heritors and Minister, at any Meeting to be called and held in the Manner before prescribed, from Time to Time to increase the Amount of such Salary, provided the same shall not exceed the said maximum Amount, and on any Vacancy in the Office of Schoolmaster from Time to Time to reduce the Salary, so that it shall not be less than the minimum Salary herein-before specified; provided that it shall be the Duty of the Minister to call such Meeting only on the Requisition of any Heritor or Heritors being Proprietors of not less than One Fourth Part of the whole Lands and Heritages situate within the Parish.

Office of Schoolmaster may be declared vacant where retiring Salary has already been agreed upon between Heritors and Schoolmaster.

8. In case the Heritors shall, previously to the passing of this Act, have entered into any Agreement with the Schoolmaster of any Parish for his Retirement from the Performance of the Duties of his Office, on Payment to him of a retiring Allowance or otherwise, it shall be lawful to the Heritors, at any Meeting to be called and held as aforesaid, to declare the Office of Schoolmaster of such Parish vacant, and to proceed to elect another Schoolmaster, and to grant such retiring Allowance or other Terms to such retiring Schoolmaster as may have been agreed upon as aforesaid, payable during the Remainder of his Life, which retiring Allowance shall be payable in all respects in like Manner with the Salary of the Schoolmaster.

Examination by Examiners appointed by the Universities to come in the Place of the Examination by the Presbytery.

9. The Sixteenth Section of the said recited Act shall be and is hereby repealed; and in place of the Examination by the Presbytery therein prescribed it is hereby enacted as follows; viz.,

(1.) It shall be the Duty of the University Court of each University in *Scotland*, as soon as conveniently may be, and in no Case later than Two Months after the passing of this Act, and thereafter from Time to Time, to appoint Six Persons to be Examiners of Parochial Schoolmasters, Three of such Persons being Professors in the Faculty of Arts, and Three of such Persons

Persons being Professors in the Faculty of Divinity of the University:

(2.) The Persons so appointed shall continue to be Examiners during Two Years from and after the Date of their respective Appointments, and until other Persons shall have been in like Manner appointed in their Room; provided that it shall be lawful to the University Court to re-appoint all or any of the same Persons to be such Examiners, and to fill up from Time to Time any Vacancy which may occur by the Death, Resignation, or Disqualification of any of the Examiners; and it shall be lawful to each of the Persons so appointed to nominate as his Deputy, with Power to act as his Substitute in case of his Absence at any Meeting of the Examiners, any Person who may have become a Graduate in Arts of the University not later than Three Years prior to such Nomination; provided that such Nomination shall be approved by the University Court, and also provided that the Persons nominated by such Examiners as are Professors in the Faculty of Divinity shall be Ministers or Licentiates of the Church of *Scotland*:

Examiners to hold the Office for Two Years, but may be re-appointed; and Vacancies to be filled up.

(3.) It shall be lawful to the Examiners to make, on or before the Eleventh Day of *November* One thousand eight hundred and sixty-one, and thereafter from Time to Time, such Regulations as they shall see fit in regard to the Time and Manner of Examinations, and as to the Subjects to which the same shall extend, and to regulate the Notice to be given thereof, regard being always had in the framing of these Regulations to the Circumstances of each particular District; provided that such Regulations shall be approved of by the University Court; and the said Regulations, when so approved, shall be published by Advertisement in such Manner as the University Court shall direct; and the Examiners may appoint One of their own Number, or any One of their Substitutes, to act as their Secretary; and such Examinations shall be held within the Buildings of the University, and at such Time and Place as shall be fixed by the University Court:

Examiners to make and publish Regulations with Approval of University Court.

(4.) For the Purposes of the Examination of Parochial Schoolmasters the Parochial Schools in *Scotland* shall be and are hereby distributed into Four Districts, each in connexion with One of the Universities, as set forth in the Schedule (A.) hereto annexed:

Scotland to be divided into Four Districts as in Schedule (A.)

(5.) Every Person elected to be a Parochial Schoolmaster under the Provisions of this and the said recited Act, and every Person elected to be a Schoolmaster under the Provisions of the Act of the First and Second Years of the Reign of Her Majesty, Chapter Eighty-seven, shall, before his Admission

Persons elected Schoolmasters to be examined by the Examiners.

mission to the said Office, and as a Condition thereof, submit himself to the Trial and Examination of the Examiners for the District to which the Parish for which he has been elected appertains, as to his Fitness and Qualifications for the Duties of the said Office; and being found qualified, the said Examiners shall furnish to him a Certificate to that Effect subscribed by them or by a Majority of their Number, which Certificate shall be conclusive Evidence that he has passed the requisite Examination, and been found qualified for the said Office, and the Examiners shall have Power, with Consent of the Committee of the Privy Council on Education, to require the Attendance at any such Examination, for the Purpose of assisting therein, of One of Her Majesty's Inspectors of Schools.

Electors of Schoolmaster may choose more than One Candidate to be tried by Examiners.

**10.** It shall be lawful for the Persons entitled to elect any Burgh or Parochial Schoolmaster, if they shall see fit, instead of electing some One Person to the vacant Office, to choose and nominate Two Persons or Three Persons to be tried by the Examiners, whose Duty it shall be to make Trial of the comparative Fitness and Qualifications of the Persons so chosen and nominated, and to determine which of them is the best qualified and most fit for the School with reference to which they have been so chosen, and to give the Person so preferred by them a Certificate to that Effect, and such Certificate, along with the Minute of Nomination by the Persons entitled to elect, and also, in the Case of a Parochial Schoolmaster, the Certificate of his having emitted the Declaration herein-after set forth, shall complete the Right of the Person so preferred to the Office of Schoolmaster: Provided always, that if the Examiners shall not be satisfied of the Fitness and Qualifications of any of the Persons nominated as aforesaid, they may decline to grant a Certificate to any of them, of which Declinature they shall forthwith cause Intimation to be made to the Persons having the Right of Election; and provided further, that in the event of Two or more Candidates for the Office of Schoolmaster being remitted by the Heritors and Minister to the Examiners for competitive Examination, the Heritors shall pay to each of the Examiners a Fee of Ten Shillings for each additional Candidate so examined; and in the event of the Magistrates of any Burgh remitting any Candidate for Examination to the Examiners, they shall pay to each of the Examiners a Fee of One Pound One Shilling if there be only One, and a Fee of Ten Shillings for each additional Candidate.

Commissioners of the Treasury to pay 21s. to each of the Examiners in

**11.** It shall be lawful to the Commissioners of Her Majesty's Treasury to pay out of any Monies which may be voted by Parliament for that Purpose the Sum of One Pound One Shilling to each of the said Examiners for and in respect of every Person examined by them

them under the Provisions of this Act, and also the Sum of Fifteen Shillings for each such Examination to the Secretary of the Examiners, out of which Sum he shall defray the Expense of the Advertisements required by this Act and other incidental Expenses.

respect of each Examination, and 15*s.* to their Secretary.

**12.** From and after the passing of this Act, it shall not be necessary for any Schoolmaster, or for any Person elected a Schoolmaster, of any Parochial School, or of any School under the Provisions of the Act of the First and Second Years of the Reign of Her Majesty, Chapter Eighty-seven, to profess or subscribe the Confession of Faith, or the Formula of the Church of *Scotland*, or to profess that he will submit himself to the Government and Discipline thereof: Provided always, that every Person elected a Schoolmaster of any such School shall, as a Condition of the Office, and before Admission thereto, produce before the Principal, or, in case of his Absence or Inability to act, before One or other of the Professors in the Faculty of Divinity of the University in which he has been examined, an Extract or certified Copy of the Minutes of his Election, together with the said Certificate by the Examiners, and shall in the Presence of the Principal or Professor emit and subscribe a Declaration in the following Terms; that is to say,

Parochial Schoolmasters not to be required to sign Confession of Faith or Formula, but to make a Declaration and to undertake to conform to the Shorter Catechism.

'I *A.B.* do solemnly and sincerely, in the Presence of God, profess, testify, and declare, That, as Schoolmaster of the Parochial School at in the Parish of , and in the Discharge of the said Office, I will never endeavour, directly or indirectly, to teach or inculcate any Opinions opposed to the Divine Authority of the Holy Scriptures, or to the Doctrines contained in the Shorter Catechism agreed upon by the Assembly of Divines at Westminster, and approved by the General Assembly of the Church of Scotland, in the Year One thousand six hundred and forty-eight; and that I will faithfully conform thereto in my teaching of the said School, and that I will not exercise the Functions of the said Office to the Prejudice or Subversion of the Church of Scotland as by Law established, or the Doctrines and Privileges thereof.'

And the Person elected to be Schoolmaster, having made such Productions and Declaration, shall be furnished with an Attestation to that Effect subscribed by the said Principal or Professor, which Attestation shall complete his Right to the Emoluments provided by this Act.

**13.** It shall be competent for the Presbytery of the Bounds, or for the Heritors, whensoever they shall see Cause for instituting Proceedings against the Schoolmaster of any Parish, for Contravention of the said Declaration, to present a Complaint to One of Her Majesty's Principal Secretaries of State against such Schoolmaster; and it shall be

Presbytery of the Bounds may present a Complaint to Secretary of State

against Schoolmaster.

be lawful to the Secretary of State thereupon to appoint a Commission to inquire into the said Charge, and to censure, suspend, or deprive such Schoolmaster, as they shall find to be just; provided that no such Sentence shall take effect until it has been confirmed and approved of by the Secretary of State.

Jurisdiction of the Presbytery in Cases of immoral Conduct or Cruelty transferred to the Sheriff.

**14.** So much of the Twenty-first Section of the said recited Act as provides that the Presbytery shall take cognizance of, and, if they see Cause, proceed by Libel against any Schoolmaster in respect of any Complaint charging him with immoral Conduct, or cruel and improper Treatment of the Scholars under his Charge, is hereby repealed; and in lieu thereof it is hereby enacted, That it shall be lawful to the Heritors and Ministers, or the Clerk of the Presbytery of the Bounds, by the Authority of the said Presbytery, given on the Application of the Heritors and Minister, or of any Six Heads of Families in the Parish whose Children are attending the School, to make a Complaint in Writing to the Sheriff of the County in which the School is situate, charging the Schoolmaster with immoral Conduct, or cruel and improper Treatment of the Scholars under his Charge, and specifying in such Complaint the particular Acts in respect of which the Complaint is made; and a Copy of such Complaint shall be served upon the Schoolmaster, who shall be required, on an Induciæ of Fourteen Days, to appear before the Sheriff, by himself or his Agent, to answer to the said Complaint; and the Schoolmaster accused shall, if he deny the Charge, if he think fit, answer the Particulars of the Complaint, such Answer to be in Writing, and to be lodged within the said Fourteen Days, or may, when the Cause comes to be tried, state his Plea to be Not Guilty; and the Sheriff shall thereafter proceed to the Trial of the Complaint, and take the Evidence in the same Way as and under the same Rules as those which are in force in the Sheriff Court in regard to Process in Civil Causes; and in the event that he shall find such Complaint or any material and relevant Part thereof to be proved, the Sheriff shall give Judgment accordingly, and shall pass such Sentence of Censure, Suspension, or Deprivation as in his Opinion the Case requires, which Sentence shall be final and not subject to Review, and shall have all the Effects consequent before the passing of this Act on any similar Sentence of any Presbytery under the Provisions of the last-recited Section of the said Act, and no Sentence of Censure, Suspension, or Deprivation otherwise pronounced on such Charges shall be valid or effectual: Provided always, that where Sentence of Suspension shall be pronounced the Salary of the Schoolmaster in respect of his Office shall cease and determine from the Date of such Sentence until the next Term of *Whitsunday* or *Martinmas* following the Expiration of the Term of Suspension specified

specified in such Sentence, and the Salary accruing during the said Period shall be applied by the Heritors and Minister towards providing a Substitute for such Schoolmaster during the Period of the Suspension.

**15.** The Sheriff shall by his Decerniture ascertain and specify the Amount of the Expenses properly incurred by the Complainers in the Proceedings connected with any Complaint against the Schoolmaster of any Parochial School; and the Complainers shall be entitled to recover the Amount so ascertained from the Collector, and out of the readiest Proceeds of the Assessments commonly called the Rogue Money levied for the County within which the School is situate, under the Provisions of an Act passed in the Eleventh Year of the Reign of His Majesty *George* the First, Chapter Twenty-six; and the Receipt of the Agent of the Complainers shall be a sufficient Discharge to the said Collector for any Payments so made by him out of the said Rogue Money or Assessments.

Expenses incurred by the Complainers to be repaid ou of the Rogue Money.

**16.** So much of the Second Section of the said recited Act as provides that where the Salaries of Parochial Schoolmasters had been before the passing thereof payable in Grain or Meal such Salary in Grain or Meal should continue to be paid, and also the Third, Fourth, and Sixth Sections of the said recited Act, shall be and are hereby repealed; and it is hereby declared and provided, that the Right of electing a Parochial Schoolmaster, *juro devoluto*, conferred by the Fifteenth Section of the said recited Act on the Commissioners of Supply of the County, after the Expiration of Four Months from the Time when the Vacancy in any Parochial School shall have taken place, shall not arise or accrue to the Commissioners of Supply until the Expiration of Six Months from the Time of such Vacancy.

Repeal of Clauses of the recited Act requiring an Estimate of the Value of Grain to be made at successive Periods.

**17.** Where in any Parish it shall be necessary to provide a House for the Parochial Schoolmaster, in Terms of the recited Act, and of an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Foundation and Endowment of additional Schools in* Scotland, or either of them, such House shall consist of at least Three Apartments besides the Kitchen.

Schoolmaster's House to consist of Four Apartments.

**18.** Nothing in this Act shall be held to interfere with any Arrangement which may have been concluded between the Heritors and Schoolmaster of any Parish for the Retirement of such Schoolmaster, except as regards the House and Garden, and Premises attached thereto, which shall in every Case be made over at the Term of *Whitsunday* next after the passing of this Act to the Person actually

Act not to interfere with Arrangements as to Retirement of Schoolmaster.

 discharging

discharging the Duties of Schoolmaster, and where the Use of such Premises may have formed Part of a retiring Allowance the Heritors shall make reasonable Compensation to the Ex-Schoolmaster.

Heritors and Ministers may permit or require Schoolmaster to resign.

**19.** In case it shall be found, on a Report by One of Her Majesty's Inspectors of Schools, made on the Application of the Heritors of the Parish and concurred in by the Presbytery of the Bounds, that the Schoolmaster of any Parish is disqualified because of Infirmity or Old Age for the due Performance of the Duties of his Office, or that from Negligence or Inattention he has failed efficiently to discharge such Duties, it shall be lawful to the Heritors and Minister, at any Meeting called and held as aforesaid, to permit or require such Schoolmaster to resign his said Office, and in case of his Refusal so to do to dismiss or suspend such Schoolmaster, and when necessary to declare the School vacant; and in every Case of such Resignation the Heritors and Minister may grant to such Schoolmaster a retiring Allowance payable during the Remainder of his Life; provided that where such Resignation shall not be occasioned by any Fault on the Part of the Schoolmaster the Heritors shall grant a retiring Allowance the Amount whereof shall not be less than Two Third Parts of the Amount of the Salary pertaining to said Office at the Date of such Resignation thereof, and shall not exceed the gross Amount of such Salary, which retiring Allowance shall be payable in all respects in like Manner with the Salary of the Schoolmaster; provided also, that no Schoolmaster shall be suspended for a longer Period than Three Months, or be dismissed for Neglect of Duty, excepting under the above Provisions.

Minister and Heritors may grant annual Allowance to Schoolmaster, in addition to retiring Allowance.

**20.** In all Cases in which the Minister and Heritors are by this Act empowered to provide a retiring Allowance for a Schoolmaster who shall resign or shall be removed from his Office, it shall be lawful for them, if they see fit, to provide for such Schoolmaster, in addition to such Allowance, and in like Manner, a further yearly Sum, equal in Amount to the annual Value of any Dwelling House and Garden to which he may be entitled as such Schoolmaster, as the same shall be valued by the Assessor for the County.

20 & 21 Vict. c. 59. repealed.

**21.** The whole Provisions of an Act passed in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Fifty-nine, intituled *An Act concerning the Parochial Schoolmasters in* Scotland, shall be and are hereby repealed.

Schoolmasters in Royal Burghs not to be re-

**22.** From and after the passing of this Act, it shall not be necessary for any Person elected to be a Schoolmaster of any Burgh School to profess or subscribe the Confession of Faith, or the Formula of the Church

Church of *Scotland*, or to profess that he will submit himself to the Government and Discipline thereof, nor shall any such Schoolmaster be subject to the Trial, Judgment, or Censure of the Presbytery of the Bounds for his Sufficiency, Qualifications, or Deportment in his Office, any Statute to the contrary notwithstanding; and this Enactment shall be a sufficient Defence in answer to any Proceedings against any Schoolmaster of any Burgh School in respect that he has not made such Profession or Subscription.

quired to sign Confession of Faith or Formula of Church of Scotland.

**23.** Nothing herein contained shall repeal, alter, or affect the Provisions of the recited Act, or of any other Act relating to Parochial Schools or Schoolmasters in *Scotland*, excepting in so far only as shall be necessary to give Effect to the Provisions of this Act.

Not to affect Provisions relating to Parochial Schools, &c.

**24.** This Act may be quoted in all Proceedings as "The Parochial and Burgh Schoolmasters (*Scotland*) Act, 1861."

Short Title.

SCHE-

## SCHEDULE (A.)

### Division of Scotland into Four Districts in connexion with the Four Universities.

| St. Andrews. | Glasgow. | Aberdeen. | Edinburgh. |
|---|---|---|---|
| All the Parochial Schools situate within any of the Counties of Clackmannan and Kinross, Fife, Forfar, Perth. | All the Parochial Schools situate within any of the Counties of Ayr, Argyll, Bute, Dumbarton, Dumfries, Kirkcudbright, Lanark, Renfrew, Wigton. | All the Parochial Schools situate within any of the Counties of Aberdeen, Banff, Caithness, Elgin and Nairn, Inverness, Kincardine, Orkney and Shetland, Ross and Cromarty, Sutherland. | All the Parochial Schools situate within any of the Counties of Berwick, Edinburgh, Haddington, Linlithgow, Peebles, Roxburgh, Selkirk, Stirling. |

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

The Admiralty to superintend the winding up of the Society, and may appoint Persons to carry Act into execution.

2. The Lord High Admiral, or, as the Case may be, the First Lord Commissioner of the Admiralty Board and the Secretary of the Admiralty respectively for the Time being, shall undertake the general Supervision of the winding up of the said Society, and may appoint, at such Remuneration as they shall think fit, not less than Three Persons as Trustees, One of such Persons to be chosen by a Majority of the Officers who have effected Insurances with the said Society which are now in force, and of the Annuitants who may either in Person or by Proxy attend at the Meeting to be convened for that Purpose, the Time, Place, and Object of which Meeting shall be advertised in Two of the Daily Newspapers published in London, and the Person so appointed, together with the present Trustees of the said Society, if such Trustees shall be willing to act, shall carry this Act into execution; and on the Death or Resignation of any Person appointed to carry this Act into execution, other than the Person chosen by such insuring Officers and Annuitants as aforesaid, the Lord High Admiral or the First Lord Commissioner of the Admiralty Board and the Secretary of the Admiralty may from Time to Time appoint another Person to act in his Place; and in the event of the Death or Resignation of any Person so chosen as aforesaid, the Majority of such insuring Officers and Annuitants who may attend any Meeting to be convened and advertised as aforesaid may from Time to Time appoint another Person to act in his Place: Provided always, that if at any Time there should not be any Person chosen or appointed by the said insuring Officers and Annuitants, the other Persons hereby authorized to carry this Act into execution shall have full Power to act as if there were a Person chosen or appointed by the said insuring Officers and Annuitants.

Present Trustees of the Society to act, but Vacancies not to be filled up.

3. The present Trustees of the said Society shall continue to have and exercise such of the same Powers and Authorities now vested in or exercisable by them as are not inconsistent with the Provisions of this Act, but on the Death or Resignation of any of the said Trustees the Vacancy caused thereby shall not be filled up.

Persons now employed may be dismissed.

Officers, &c. may be appointed.

4. The Persons hereby authorized to carry this Act into execution may continue in or dismiss from their Employment all or any of the Persons now employed in the Business of the said Society, and may, with the Consent of the Persons having such general Supervision as aforesaid, appoint any Officers or Servants to assist in the Administration of the General Fund herein-after mentioned, at such Salary or Remuneration as such last-mentioned Persons shall approve of.

One General Fund to be formed.

5. All the Property of or belonging to the said Society, and the Income thereof, and all Monies arising from Contributions or otherwise accruing to the Funds of the said Society, except the Compassionate

sionate Fund, shall form One General Fund for the Purpose of meeting the various Expenses hereby authorized; and all Persons whosoever having any Funds or Property of or belonging to the said Society, except as regards the Compassionate Fund, shall render such Account thereof, and pay over or apply the same, as the Persons hereby authorized to carry this Act into execution shall from Time to Time require or direct.

**Salaries, &c. to be paid out of the General Fund.**

6. All Salaries, Remunerations, and Wages payable to any Persons employed in the Execution of this Act or in the Administration of the said General Fund, and all Expenses incurred in respect thereof, shall be defrayed out of the said General Fund, and all Disbursements on account of the said Fund shall be made through the Hands of the Officers appointed for that Purpose, and shall not be made by any Person or in any other Manner.

**No new Contributors to the Fund allowed.**

7. No Person who has not contributed to the Funds of the said Society as an insured Member before the passing of this Act shall be allowed to contribute thereto, so as to establish any Claim for an Annuity for his Widow, nor shall any Medical Officer in the Royal Navy be compelled or be liable after the passing of this Act to pay to the Compassionate Fund on Entry, Promotion, or Appointment to any permanent Civil Situation the Fee mentioned in the said Order in Council, but the Compassionate Fund referred to in the said Order in Council shall continue, and the Interest thereof shall be distributed among the Orphans of those Members of the said Society who have died, and the Orphans of those Naval Medical Officers who have hitherto contributed or may hereafter voluntarily contribute any such Fee to the said Fund.

**Annuities may be purchased out of the Fund.**

8. The Persons hereby authorized to carry this Act into execution may, with the Approbation in Writing of the said Lord High Admiral, or, as the Case may be, the said First Lord Commissioner of the Admiralty Board and the Secretary of the Admiralty respectively for the Time being, with and out of the said General Fund herein-before mentioned, purchase from Time to Time of and from the Commissioners for the Reduction of the National Debt any Life Annuities of not less than Twenty-six Pounds Thirteen Shillings and Fourpence each as may be payable out of the Funds of the said Society, being the same Amount of Annuity now legally payable to the respective Persons entitled thereto, and after providing for all such Annuities as aforesaid may, with such Approbation as aforesaid, when and so soon as the said General Fund shall be sufficient for the Purpose, apply the same in the Purchase of and from the said Commissioners, or any Life Assurance Company in *London*

or

or *Westminster* which may have been established for Twenty-five Years or upwards, such and so many reversionary Life Annuities as would or might have become payable if this Act had not been passed.

Annuities to be purchased in the Names of the Persons entitled, and to be inalienable.

**9.** Every Life Annuity hereby authorized to be purchased shall be purchased in the Name of the Person entitled thereto, and shall be her sole and absolute Property, and all Acts done for the Purpose of charging, Alienation, or otherwise disposing of the whole or any Part of the said Annuity, shall be absolutely null and void.

Annuities, until purchased, to be payable out of the General Fund, and Contributions to continue payable until all Annuities purchased.

**10.** Such and so many of the said Annuities as for the Time being shall not have been purchased under the Authority of this Act shall continue payable and be paid out of the General Fund hereinbefore mentioned; and all Persons who at the Time of the passing of this Act may be liable to pay any Contribution to the said Naval Medical Supplemental Fund shall continue liable to and shall make such Payments, except to the Compassionate Fund, until all the said Annuities, immediate or reversionary, shall have been purchased, but any Person who has before the passing of this Act contracted for a reversionary Annuity shall continue to make all such Payments as he would have been liable to if this Act had not been passed.

When Act fully carried out, Notice to be inserted in the Gazette, and Order in Council and Act of 22 Vict. c. 28. to cease.

**11.** When and so soon as the Purposes of this Act shall have been fully carried into execution, Notice thereof, under the Hands of the said Lord High Admiral, or, as the Case may be, the First Lord Commissioner of the Admiralty Board and the Secretary of the Admiralty for the Time being respectively, shall be published in the *London Gazette*, and thereupon the said Order in Council of the Thirteenth Day of *August* One thousand eight hundred and seventeen, so far as relates to Annuities, shall cease to operate and take effect, and the said Act of the Twenty-second of Queen *Victoria*, Chapter Twenty-eight, shall be repealed.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CIX.

### An Act to amend the Laws relating to Fisheries of Salmon in *England*. [6th *August* 1861.]

WHEREAS the Salmon Fisheries of *England* have of late Years been greatly injured, and for the Purpose of increasing the Supply of Salmon it is expedient to amend the Laws relating to Fisheries of Salmon in *England:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

*Preliminary.*

1. This Act may be cited for all Purposes as the Salmon Fishery Act, 1861. Short Title.

2. This Act shall not extend to *Scotland* or *Ireland*, or to the River *Tweed*, as defined by the *Tweed* Fisheries Amendment Act, 1859. Application of Act.

3. This Act shall not come into operation until the First Day of *October* One thousand eight hundred and sixty-one. Commencement of Act.

4. In this Act, unless there is something inconsistent in the Context, the Words and Expressions herein-after mentioned shall Definition of Terms

 have

have respectively the Meanings hereby assigned to them; that is to say,

"Person" shall include any Body of Persons, corporate or unincorporate:

"Salmon" shall include all migratory Fish of the Genus Salmon, whether known by the Names herein-after mentioned, that is to say, Salmon, Cock or Kipper, Kelt, Laurel, Girling, Grilse, Botcher, Blue Cock, Blue Pole, Fork Tail, Mort, Peal, Herring Peal, May Peal, Pugg Peal, Harvest Cock, Sea Trout, White Trout, Sewin, Buntling, Guiniad, Tubs, Yellow Fin, Sprod, Herling, Whiting, Bull Trout, Whitling, Scurf, Burn Tail, Fry, Samlet, Smoult, Smelt, Skirling or Scarling, Parr, Spawn, Pink, Last Spring, Hepper, Last Brood, Gravelling, Shed, Scad, Blue Fin, Black Tip, Fingerling, Brandling, Brondling, or by any other local Name:

"Young of Salmon" shall include all Young of the Salmon Species, whether known by the Names of Fry, Samlet, Smolt, Smelt, Skirling or Skarling, Par, Spawn, Pink, Last Spring, Hepper, Last Brood, Gravelling, Shed, Scad, Blue Fin, Black Tip, Fingerling, Brandling, Brondling, or by any other Name, local or otherwise:

"Court" shall include Two or more Magistrates assembled in Petty Sessions:

"Tidal Waters" shall include the Sea, and all Rivers, Creeks, Streams, and other Water as far as the Tide flows and reflows:

"Inland Waters" shall mean all Waters that are not tidal Waters:

"Dam" shall mean all Weirs and other fixed Obstructions used for the Purpose of damming up Water:

"Fishing Weir" shall mean a Dam used for the exclusive Purpose of catching or facilitating the catching of Fish:

"Fishing Mill Dam" shall mean a Dam used or intended to be used partly for the Purpose of catching or facilitating the catching of Fish, and partly for the Purpose of supplying Water for Milling or other Purposes:

"Fixed Engine" shall include Stake Nets, Bag Nets, Putts, Putchers, and all fixed Implements or Engines for catching or for facilitating the catching of Fish:

"Home Office" shall mean One of Her Majesty's Principal Secretaries of State.

## Law of Fishing.

*Prohibition of certain Modes of destroying Fish.*

Penalty on mixing poisonous Substances in Rivers.

5. Every Person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any Waters containing Salmon, or into any Tributaries thereof, any liquid or solid Matter to such an Extent

Extent as to cause the Waters to poison or kill Fish, shall incur the following Penalties; (that is to say,)

(1.) Upon the First Conviction a Penalty not exceeding Five Pounds:

(2.) Upon the Second Conviction a Penalty not exceeding Ten Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Offence is continued:

(3.) Upon the Third or any subsequent Conviction, a Penalty not exceeding Twenty Pounds a Day for every Day during which such Offence is continued, commencing from the Date of the Third Conviction:

But no Person shall be subject to the foregoing Penalties for any Act done in the Exercise of any Right to which he is by Law entitled, if he prove to the Satisfaction of the Court before whom he is tried that he has used the best practicable Means, within a reasonable Cost, to render harmless the liquid or solid Matter so permitted to flow or to be put into Waters; but nothing herein contained shall prevent any Person from acquiring a legal Right in Cases where he would have acquired it if this Act had not passed, or exempt any Person from any Punishment to which he would otherwise be subject, or legalize any Act or Default that would but for this Act be deemed to be a Nuisance or otherwise be contrary to Law.

**Power to have Question under preceding Section decided by Jury.**

**6.** Where any Proceedings are instituted by any Complainant against any Person for the Recovery of any Penalties alleged to have been incurred by him under the last preceding Section, if such Person, herein-after referred to as "the Defendant," on appearing before the Justices constituting the Court by which he is to be tried in pursuance of this Act, alleges, by way of Defence, that he has used the best practicable Means, within a reasonable Cost, to render such Matter harmless, and proves to the Satisfaction of the Court that in the event of the Complaint being decided against him the Expense of permanently preventing the Matter complained of would, exclusive of Costs, exceed One hundred Pounds, and gives Security, to be approved by such Court, duly to prosecute his Appeal and to abide the Event thereof, all Proceedings before the Justices shall be stayed, and it shall be lawful for such Complainant to bring an Action in One of Her Majesty's Superior Courts of Law at *Westminster* against the Defendant; and the Plaintiff in such Action shall deliver to the Defendant an Issue or Issues whereby the Question whether he has used the best practicable Means, within a reasonable Cost, to render such Matter harmless may be tried; and the Form of such Issue or Issues, in case of Dispute, or in the Case of Nonappearance of the Defendant, shall be settled by the Court in which the Action is brought, and such

such Action shall be prosecuted and Issue or Issues tried in the same Manner and subject to the same Incidents in and subject to which Actions are prosecuted and Issues tried in other Cases within the Jurisdiction of such Court, or as near thereto as Circumstances admit.

**Effect of Issue.**

7. The Verdict of the Jury on such Issue shall, unless the Court before which the same is tried orders a new Trial, be conclusive as to the Questions involved in any subsequent Proceedings that may be had for the Recovery of any Penalties in pursuance of the said Section, and any Costs that may have been incurred before the Justices by the Parties to such Action as is mentioned in this Section shall be deemed to be Costs incurred in such Action, and be payable accordingly.

**Penalty on fishing with Lights, Spears, &c.**

8. No Person shall do the following Things or any of them; that is to say,

(1.) Use any Light for the Purpose of catching Salmon:

(2.) Use any Spear, Gaff, Strokehall, Snatch, or other like Instrument for catching Salmon:

(3.) Have in his Possession a Light or any of the foregoing Instruments under such Circumstances as to satisfy the Court before whom he is tried that he intended at the Time to catch Salmon by means thereof:

And any Person acting in contravention of this Section shall incur a Penalty not exceeding Five Pounds, and shall forfeit any Instruments used by him or found in his Possession in contravention of this Section; but this Section shall not apply to any Person using a Gaff as auxiliary to angling with a Rod and Line.

**Penalty on using Roe as a Bait.**

9. No Person shall do the following Things or any of them; that is to say,

(1.) Use any Fish Roe for the Purpose of fishing:

(2.) Buy, sell, or expose for Sale, or have in his Possession, any Salmon Roe:

And any Person acting in contravention of this Section shall for each Offence incur a Penalty not exceeding Two Pounds, and shall forfeit all Salmon Roe found in his Possession; but this Section shall not apply to any Person who uses or has in his Possession Salmon Roe for artificial Propagation or other scientific Purposes, or gives any Reason satisfactory to the Court by whom he is tried for having the same in his Possession.

**Penalty on using certain Nets.**

10. No Person shall take or attempt to take Salmon with any Net having a Mesh of less Dimensions than Two Inches in extension from Knot to Knot (the Measurement to be made on each Side of the

the Square), or Eight Inches measured round each Mesh when wet; and any Person acting in contravention of this Section shall forfeit all Nets and Tackle used by him in so doing, and shall for each Offence incur a Penalty not exceeding Five Pounds; and the placing Two or more Nets behind or near to each other in such Manner as to practically diminish the Mesh of the Nets used, or the covering the Nets used with Canvas, or the using any other Artifice so as to evade the Provisions of this Section with respect to the Mesh of Nets, shall be deemed to be an Act in Contravention of this Section.

Penalty on placing or fixing fixed Engines.

**11.** No fixed Engine of any Description shall be placed or used for catching Salmon in any inland or tidal Waters; and any Engine placed or used in contravention of this Section may be taken possession of or destroyed; and any Engine so placed or used, and any Salmon taken by such Engine, shall be forfeited, and, in addition thereto, the Owner of any Engine placed or used in contravention of this Section shall, for each Day of so placing or using the same, incur a Penalty not exceeding Ten Pounds; and for the Purposes of this Section a Net that is secured by Anchors, or otherwise temporarily fixed to the Soil, shall be deemed to be a fixed Engine, but this Section shall not affect any ancient Right or Mode of Fishing as lawfully exercised at the Time of the passing of this Act by any Person by virtue of any Grant or Charter or immemorial Usage; provided always, that nothing in this Section contained shall be deemed to apply to Fishing Weirs or Fishing Mill Dams.

Penalty on using certain Dams for catching Salmon.

**12.** The following Regulations shall be observed with respect to Dams:

(1.) No Dam except such Fishing Weirs and Fishing Mill Dams as are lawfully in use at the Time of the passing of this Act, by virtue of a Grant or Charter or immemorial Usage, shall be used for the Purpose of catching or facilitating the catching of Salmon:

1. Any Person catching or attempting to catch Salmon in contravention of this Section shall incur a Penalty not exceeding Five Pounds for each Offence, and a further Penalty not exceeding One Pound for each Salmon which he catches:
2. All Traps, Nets, and Contrivances used in or in connexion with the Dam for the Purpose of catching Salmon shall be forfeited:
3. All Salmon caught in contravention of the above Prohibition shall be forfeited:

And no Fishing Weir, although lawfully in use as aforesaid, shall be used for the Purposes of catching Salmon unless it have therein such

Free Gap as is herein-after mentioned; and no Fishing Mill Dam, although lawfully in use as aforesaid, shall be used for the Purposes of catching Salmon unless it have attached thereto a Fish Pass of such Form and Dimensions as shall be approved of by the Home Office, nor unless such Fish Pass has constantly running through it such a Flow of Water as will enable Salmon to pass up and down such Pass, but so nevertheless that such Pass shall not be larger nor deeper than requisite for the above Purposes:

(2.) No Person shall catch or attempt to catch, except by Rod and Line, any Salmon in the Head Race or Tail Race of any Mill, or within Fifty Yards below any Dam, unless such Mill or Dam has attached thereto a Fish Pass of such Form and Dimensions as may be approved by the Home Office, and such Fish Pass has constantly running through it such a Flow of Water as will enable Salmon to pass up and down it; and if any Person acts in contravention of the foregoing Provision,

1. He shall incur a Penalty not exceeding Two Pounds for each Offence, and a further Penalty not exceeding One Pound for every Salmon so caught:
2. He shall forfeit all Salmon caught in contravention of this Section, and all Nets or other Instruments used or placed for catching the same.

Penalty on Company or Person not erecting Gratings to prevent the Descent of Salmon into Artificial Streams.

**13.** Where Salmon or the Young of Salmon are led aside out of a main Stream by means of any artificial Channel used for the Purpose of supplying Towns with Water, or for supplying any navigable Canal, the Company or Persons having the Control over such artificial Channel shall, within Six Months after the Commencement of this Act, put up and shall maintain, at their own Costs and Charges, a Grating or Gratings across such Channel, for the Purpose of preventing the Descent of the Salmon or the Young of Salmon, and such Grating or Gratings shall be placed in such Form and Manner as may be approved by One of the Inspectors in this Act mentioned; and any Company or Persons failing to put a Grating or Gratings in Cases where they are required to do so by this Section shall incur a Penalty not exceeding Five Pounds for every Day after the Expiration of such Period of Six Months during which he fails to comply with the Provisions of this Section; and any such Company or Person failing so to maintain the same shall incur a Penalty not exceeding One Pound for every Day during which such Failure continues: Provided always, that no such Grating shall be so placed as to interfere with the Passage of Boats on any navigable Canal.

*Prohibition of the Destruction of unseasonable Fish.*

**14.** No Person shall do any of the following Things; that is to say, Penalty on taking unclean Fish.

(1.) Wilfully take, kill or injure or attempt to take, any unclean or unseasonable Salmon;

(2.) Buy, sell, or expose for Sale, or have in his Possession, any unclean or unseasonable Salmon, or any Part thereof:

And any Person acting in contravention of this Section shall incur the following Penalties; that is to say,

(1.) He shall forfeit any Fish taken, bought, sold, or exposed for Sale, or in his Possession;

(2.) He shall incur a Penalty not exceeding Five Pounds ~~in respect of each Fish taken, sold, or exposed for Sale, or in his Possession~~: for each such offence a fine not exceeding one pound.

But this Section shall not apply—

(1.) To any Person who takes such Fish accidentally, and forthwith returns the same to the Water with the least possible Injury:

(2.) To any Person who takes or is in possession of such Fish for artificial Propagation or other scientific Purposes.

See Sec. 11 9-C 7 Dec. 36 a 37

**15.** No Person shall do the following Things or any of them; that is to say, Penalty on taking the Young of Salmon.

(1.) Wilfully take or destroy the Young of Salmon;

(2.) Buy, sell, or expose for Sale, or have in his Possession, the Young of Salmon;

(3.) Place any Device for the Purpose of obstructing the Passage of the Young of Salmon;

(4.) Wilfully injure the Young of Salmon;

(5.) Wilfully disturb any Spawning Bed, or any Bank or Shallow on which the Spawn of Salmon may be:

And any Person acting in contravention of this Section shall incur the following Penalties; that is to say,

(1.) He shall forfeit all the Young of Salmon found in his Possession;

(2.) He shall forfeit all Rods, Lines, Nets, Devices, and Instruments used in committing any of the above Offences;

(3.) He shall for each Offence pay a Penalty not exceeding Five Pounds;

But nothing herein contained shall apply to any Person who may have obtained such Young of Salmon for artificial Propagation or other scientific Purposes, and nothing herein contained shall prejudice the legal Right of any Owner to take Materials from any Stream.

**16.** If

Penalty on disturbing Fish when spawning.

**16.** If any Person wilfully disturbs or attempts to catch Salmon when spawning, or when on or near their Spawning Beds, he shall for each Offence incur a Penalty not exceeding Five Pounds; but this Section shall not apply to any Person who may catch or attempt to catch Salmon for the Purposes of artificial Propagation or other scientific Purposes.

*Restrictions as to Times of Fishing.*

Close Time.

**17.** No Person shall fish for, catch, or attempt to catch, or kill Salmon between the Days herein-after mentioned (which Interval is herein referred to as the Close Season); that is to say, between the First Day of *September* and the First Day of *February* following, both inclusive, except only that it shall be lawful to fish with a Rod and Line between the First Day of *September* and the First Day of *November* following, both inclusive; and any Person acting in contravention of this Section shall forfeit any Salmon caught by him, and shall in addition thereto incur a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Two Pounds in respect of each Salmon so caught.

Power of Home Office to extend or vary Close Season.

**18.** The Home Office may, upon the Application of the Justices in Quarter Sessions assembled of any County abutting on Water containing Salmon, extend or vary the Time during which it is prohibited to take Salmon in such Waters; any such Application shall be forwarded to the Home Office by the Chairman of such Justices, but it shall not be entertained by the Home Office until due Proof is given that Notice of such Application has been served on the Clerk of the Peace of every County abutting on such River other than the County from the Justices of which the Application proceeds, and that a Copy of such Notice has been published in every County abutting on such River by Advertisement once at least in each of Four successive Weeks in some local Newspaper; the Extension of such Time as aforesaid by the Home Office shall be made by Order under the Hand of One of Her Majesty's Principal Secretaries of State, and a Copy of the *London Gazette* containing such Order shall be Evidence of the same having been made.

For the Purposes of this Section any Riding or other Division of a County having a separate Court of Quarter Sessions shall be deemed a separate County, and any Penalties imposed by this Act for the Purpose of prohibiting the killing of Fish during the Close Time shall apply to such extended Close Time; and the Home Office may from Time to Time vary the Close Time so extended.

**19.** No

**19.** No Person shall buy, sell, or expose for Sale, or have in his Possession for Sale, any Salmon between the Third Day of *September* and the Second Day of *February* following; and any Person acting in contravention of this Act shall forfeit any Fish so bought, sold, or exposed for Sale, or in his Possession for Sale, and shall incur a Penalty not exceeding Two Pounds for each such Fish; but this Section shall not apply to any Person buying, selling, or exposing for Sale, or having in his Possession for Sale, Salmon cured, pickled, or dried, or any fresh Salmon caught beyond the Limits of this Act, nevertheless the Burden of proving any fresh Salmon that is sold, or exposed, or in the Possession of any Person for Sale between the said Third Day of *September* and the said Second Day of *February* to have been caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale, or having the same in his Possession for Sale.

Penalty on selling Fish during Close Time.

**20.** The Proprietor or Occupier of every Fishery for Salmon shall, within Thirty-six Hours after the Commencement of the Close Season, cause to be removed and carried away from the Waters within his Fishery the Inscales, Hecks, Tops, and Rails of all Cruives, Boxes, or Cribs, and all Planks and temporary Fixtures used for taking or killing Salmon, and all other Obstructions to the free Passage of Fish in or through the Cruives, Cribs, and Boxes within his Fishery; and if any Proprietor or Occupier omits to remove and carry away in manner aforesaid any Things hereby required to be removed and carried away he shall incur the following Penalties; (that is to say,)

(1.) He shall forfeit all the Engines or other Things that are not removed and carried away in compliance with this Section:

(2.) He shall, for every Day during which he suffers such Things to remain unremoved beyond the Period prescribed by this Act, pay a Sum not exceeding Ten Pounds.

Removal of fixed Engines during Close Time.

**21.** No Person shall fish for, catch, or kill by any Means other than a Rod and Line, any Salmon between the Hour of Twelve of the Clock at Noon on *Saturday* and the Hour of Six of the Clock on *Monday* Morning; and any Person acting in contravention of this Section shall forfeit all Fish taken by him, and any Net or moveable Instrument used by him in taking the same, and in addition thereto shall incur a Penalty not exceeding Five Pounds, and a further Penalty not exceeding One Pound in respect of each Fish so taken between Twelve of the Clock at Noon on *Saturday* and Six of the Clock on *Monday* Morning; but nothing in this Section contained shall compel the Owner of any Putts or Putchers to remove or draw up the same during such Time as is mentioned in this

Weekly Close Time.

this Section, or subject him to a Penalty, so that he lets down a Net in such Manner or uses such other Device as the Home Office approves for the Purpose of preventing Salmon passing into the Putts or Putchers during such Time as aforesaid.

A free Passage to be left through Cribs or Traps during Weekly Close Time.

**22.** The Proprietor or Occupier of every Fishery shall, between Twelve of the Clock at Noon on *Saturday* and Six of the Clock on the *Monday* Morning following, maintain a clear Opening, of not less than Four Feet in Width from the Bottom to the Top, through all Cribs, Boxes, or Cruives used for taking Salmon within his Fishery, so that a free Space of that Width is effectually secured for the Passage of Fish up and down through each Box, Crib, or Cruive, whether used for the Purpose of fishing or not; and shall, for the Purpose of maintaining such Opening, remove the Inscales and Rails of all such Boxes, Cribs, or Cruives; and any Person acting in contravention of this Section shall incur the following Penalties:

(1.) He shall for each Offence pay a Sum not exceeding Five Pounds, and a further Penalty not exceeding One Pound for each Fish so taken:

(2.) He shall forfeit every Fish caught in contravention of this Section.

*Fish Passes.*

Proprietor with Consent of Home Office may attach Fish Passes to existing Dams.

**23.** Any Proprietor of a Fishery with the written Consent of the Home Office may attach to every Dam existing at the Time of the passing of this Act a Fish Pass, of such Form and Dimensions as the Home Office may approve, so that no Injury be done to the Milling Power or to the Supply of Water to or of any navigable River, Canal, or other Inland Navigation by such Fish Pass; and any Person obstructing any Person legally authorized in erecting or doing any necessary Act to erect or maintain such Fish Pass shall incur a Penalty not exceeding Ten Pounds for each Act of Obstruction; and any Person injuring such Fish Pass shall pay the Expense of repairing the Injury, such Expense to be recovered in a summary Manner, and, in addition thereto, if such Injury is wilful, shall incur a Penalty not exceeding Five Pounds; and any Person doing any Act for the Purpose of preventing Salmon from passing through a Fish Pass, or taking any Salmon in its Passage through the same, shall incur a Penalty not exceeding Five Pounds for a First Offence, and not exceeding Ten Pounds for each subsequent Offence, and shall forfeit any Salmon taken by him in contravention of this Section, and any Instrument used by him in taking the same: Provided that if any Injury is done to any Dam by reason of the affixing of a Fish Pass in pursuance of this Section, any Person sustaining

taining any Loss thereby may recover Compensation for such Injury in a summary Manner from the Person or Body of Persons by whom such Fish Pass has been affixed.

**24.** The Home Office shall not give their Consent to the Attachment by a Proprietor of a Fish Pass to any Dam, in pursuance of the last preceding Section, unless such Proprietor proves, to the Satisfaction of the Home Office, that he has served Notice on the Owner of such Dam of his Intention to apply for such Consent, and at the same Time has furnished him with Plan and Specification of the Fish Pass which he proposes to erect, a reasonable Time before his Application; and it shall be lawful for such Owner to urge any Objections he may think fit to the Home Office against their giving their Consent, and the Home Office shall take any Objections so made into consideration before they give their Consent to the Attachment of the Fish Pass.

Notice required before Home Office gives Consent.

**25.** Every Person who, after the passing of this Act, in Waters where Salmon are found, constructs a new Dam, or raises or alters, so as to create increased Obstruction to Fish, a Dam already constructed, shall attach and maintain attached thereto in an efficient State a Fish Pass of such Form and Dimensions as may be determined by the Home Office, and if he do not, such Person shall incur a Penalty not exceeding Five Pounds; and it shall be lawful for the Home Office to cause to be done any Work by this Section required to be done by such Person, and to recover the Expense of doing the same in a summary Manner from the Person in default; but this Section shall not authorize anything to be done which may injuriously affect any navigable River, Canal, or Inland Navigation, nor shall anything in this or the last preceding Section prevent any Person from removing a Fish Pass for the Purpose of repairing or altering a Dam, so that within a reasonable Time he restore such Fish Pass in as an efficient a State as it was before he removed the same.

Fish Passes to be attached to future Dams.

**26.** Where a Fish Pass is attached to any Dam in pursuance of this Act, the Sluices, if any, for drawing off the Water which would otherwise flow over the Dam shall be kept shut at all Times when the Water is not required for Milling Purposes in such Manner as to cause such Water to flow through the Fish Pass; and any Person making Default in complying with the Requisitions of this Section shall incur a Penalty not exceeding Five Shillings *per* Hour for every Hour during which such Default continues; but this Section shall not preclude any Person from opening a Sluice for the Purpose of letting off Water in Cases of Flood, or for Milling Purposes, or when necessary

Supply of Water to Fish Passes.

necessary for the Purposes of Navigation, or for cleaning or repairing any Dam or Mill or the Appurtenances thereof.

*Restrictions as to Fishing Weirs.*

Construction of Free Gaps.

**27.** Where any Fishing Weir extends more than halfway across any Stream at its lowest State of Water, it shall have a Free Gap or Opening in accordance with the Regulations following, unless otherwise authorized by the Home Office, under the Powers of this Act; that is to say,

(1.) The Free Gap shall be situate in the deepest Part of the Stream between the Points where it is intercepted by the Weir:

(2.) The Sides of the Gap shall be in a Line with and parallel to the Direction of the Stream at the Weir:

(3.) The Bottom of the Gap shall be level with the natural Bed of the Stream above and below the Gap:

(4.) The Width of the Gap in its narrowest Part shall be not less than One Tenth Part of the Width of the Stream; provided always, that such Gap shall not be required to be wider than Forty Feet, and shall not in any Case be narrower than Three Feet.

Enforcing Free Gaps in Fishing Weirs.

**28.** The following Rules shall be observed for the Purpose of enforcing efficient Free Gaps in Fishing Weirs; that is to say,

(1.) Where a Weir is without a legal Free Gap at the Time of the Commencement of this Act the Owner of such Weir shall within Twelve Months after the Commencement of this Act make such a Gap, and if he does not he shall incur a Penalty not exceeding Five Pounds for every Day after the Expiration of such Period of Twelve Months during which he does not make such Gap

(2.) Where a Free Gap has been made in a Weir, but the same is not maintained in accordance with this Act, the Owner of such Weir shall incur a Penalty not exceeding One Pound a Day for each Day he is in default:

(3.) No Alteration shall be made in the Bed of any River in such Manner as to reduce the Flow of Water through a Free Gap; if it is, the Person making the same shall incur a Penalty not exceeding Five Pounds, and a further Penalty of One Pound a Day until he restores the Bed of the River to its original State:

(4.) No Person shall place any Obstruction, use any Contrivance, or do any Act whereby Fish may be scared, deterred, or in any way

way prevented from freely entering and passing up and down a Free Gap at all Periods of the Year; and any Person placing any Obstruction, using any Contrivance, or doing any Act in contravention of the Regulation lastly herein-before contained shall incur a Penalty not exceeding Five Pounds for the First Offence, and not exceeding Ten Pounds for each subsequent Offence; but this last Regulation shall not apply to a temporary Bridge or Board used for crossing the Free Gap, and taken away immediately when a Person has crossed the same.

Construction of Boxes and Cribs in Fishing Weirs and Fishing Mill Dams.

**29.** The following Rules shall be observed in relation to the Construction of Boxes and Cribs in Fishing Weirs and Fishing Mill Dams; that is to say,

(1.) The Upper Surface of the Sill shall be level with the Bed of the River:

(2.) The Bars or Inscales of the Heck or Upstream Side of the Box or Crib shall not be nearer each other than Two Inches, and shall be capable of being removed and shall be placed perpendicularly:

And the Owner of any Fishing Weir or Fishing Mill Dam that has attached thereto any Box or Crib in contravention of this Act shall bring the same into conformity with this Act within Six Months after the Commencement of this Act; and he shall incur a Penalty not exceeding Five Pounds for every Day after the Expiration of such Period of Six Months during which he fails to comply with the Provisions of this Section; and any Owner failing so to maintain the same shall incur a Penalty not exceeding One Pound for every Day during which such Failure continues.

Construction of Spur Walls in Fishing Weirs or Fishing Mill Dams.

**30.** There shall not be attached to any Box or Crib in any Fishing Weir or Fishing Mill Dam any Spur or Tail Wall, Leader, or Outrigger of a greater Length than Twenty Feet from the upper or lower Side of such Box or Crib; and if any Box or Crib in any Fishing Weir or Fishing Mill Dam has any Walls, Leaders, or Outriggers in contravention of this Section, the Owner of the Weir or Fishing Mill Dam shall incur a Penalty not exceeding One Pound for every Day during the Continuance thereof.

## Central Authority.

General Superintendence of Fisheries by Home Office.

**31.** The general Superintendence of the Salmon Fisheries throughout *England* shall be vested in the Home Office, and it shall be lawful for the Home Office to appoint Two Inspectors of Fisheries for Three Years, to assign to them their Duties, and to

pay to them such Salaries as may from Time to Time be determined by the Commissioners of Her Majesty's Treasury.

The Home Office may from Time to Time remove the said Inspectors, and appoint other Persons in their Stead.

Annual Reports of Inspectors to be laid before Parliament.

**32.** The Home Office shall annually lay before Parliament Reports from the Inspectors, which Reports shall contain as far as may be practicable a Statistical Account of the Fisheries, with such other Information as may be collected, and Suggestions offered for their Regulation and Improvement.

Justices at Sessions to appoint Conservators of Rivers.

**33.** It shall be lawful for the Justices of the Peace assembled at any General or Quarter Sessions of the Peace from Time to Time to appoint Conservators or Overseers for the Preservation of Salmon, and enforcing for that Purpose the Provisions of this Act within the Limits of the Jurisdiction of such Justices.

Justice may grant a Warrant to enter suspected Places.

**34.** It shall be lawful for any Justice of the Peace, upon an Information on Oath that there is probable Cause to suspect any Breach of the Provisions of this Act to have been committed on any Premises, or any Salmon illegally taken or any illegal Nets or other Engines to be concealed on any Premises, by Warrant under his Hand and Seal, to authorize and empower any Inspector, Water Bailiff, Conservator, Constable, or Police Officer to enter such Premises for the Purposes of detecting such Offence, or such concealed Fish, at such Time or Times, in the Day or Night, as in such Warrant may be mentioned, and to seize all illegal Engines, or any Salmon illegally taken, that may be found on such Premises; provided that no such Warrant shall continue in force for more than One Week from the Date thereof.

### Legal Proceedings.

Recovery of Penalties.

**35.** All Penalties imposed by this Act, and all Costs or Expenses by this Act directed to be recovered in a summary Manner, may be recovered, within Six Months after the Commission of the Offence, before Two Justices, in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of the Justices of the Peace out of Sessions within* England *and* Wales *with respect to Summary Convictions and Orders*, or of any Act amending the same; and all Monies received in respect of Penalties recovered under the Act shall be paid as follows; that is to say,

Such Portion not exceeding One Half, as the Court may think fit, to the Person on whose Complaint the Penalty is recovered, and

and the Remainder in manner directed by the said Act of Eleventh and Twelfth Years of the Reign of Her present Majesty *Victoria*, Chapter Forty-three; and all Forfeitures shall be disposed of as the Court may direct, and the Proceeds, if any, shall be applied in manner in which the Monies received in respect of Penalties are hereby directed to be applied.

Offences on Rivers may be tried in County on either Side.

**36.** Where any Offence under this Act is committed in or upon any Waters forming the Boundary between any Two Counties, Districts of Quarter Sessions or Petty Sessions, such Offence may be prosecuted before any Justice or Justices of the Peace in either of such Counties or Districts.

Offences committed on Sea Coast where to be tried.

**37.** Any Offence committed under this Act, on the Sea Coast or at Sea, beyond the ordinary Jurisdiction of any Justice of the Peace, shall be deemed to have been committed within the Body of any County abutting on such Sea Coast or adjoining such Sea, and may be tried and punished accordingly.

Saving Clause for dredging.

**38.** Nothing in this Act contained shall prejudice the legal Right of any Conservators, Directors, Commissioners, Undertakers, Persons, or Body of Persons corporate or unincorporate to dredge, scour, cleanse, or improve any navigable River, Canal, or other Inland Navigation.

## Repeal of Acts.

Repeal of Acts.

**39.** From and after the Commencement of this Act there shall be hereby repealed the several Acts and Parts of Acts set forth in the Schedule hereto, to the Extent to which such Acts or Parts of Acts are therein expressed to be repealed: Provided that such Repeal shall not affect—

1. Any Security duly given before this Act comes into operation:
2. Anything duly done before this Act comes into operation:
3. Any Liability accruing before this Act comes into operation:
4. Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before this Act comes into operation:
5. The Institution of any legal Proceeding or any other Remedy for ascertaining, enforcing, or recovering any such Liability, Penalty, Forfeiture, or Punishment as aforesaid.

SCHE-

## SCHEDULE.

| Reference to Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 13 Ed. 1. Stat. 1. c. 47. | A Penalty for taking of Salmon at certain Times of the Year. | The whole Act. |
| 25 Ed. 3. Stat. 4. c. 4. | "New Weirs shall be pulled down and not "repaired." | The whole Act. |
| 45 Ed. 3. c. 2. | The Penalty of him that setteth up or enhanceth Wares. | The whole Act. |
| 13 Rich. 2. Stat. 1. c. 19 | A Confirmation of Stat. 13 Ed. 1. Stat. 1. c. 47. | The whole Act. |
| 17 Rich. 2. c. 9. | Justices of Peace shall be Conservators of the Statutes made touching Salmon. | The whole Act. |
| 1 Hen. 4. c. 12. | A Confirmation of former Statutes touching pulling down of Wears. | The whole Act. |
| 4 Hen. 4. c. 11. | Commissions shall be awarded to Justices, &c. to inquire of Wears and Kidels, &c. | The whole Act. |
| 2 Hen. 6. c. 15. | No Man shall fasten Nets to anything over Rivers. | The whole Act. |
| 12 Ed. 4. c. 7. | An Act for the taking away Wears and Fishgarthes. | The whole Act. |
| 11 Hen. 7. c. 5. | Every Man may pull down the Wears and Engines in the Haven of Southampton, &c. | The whole Act. |
| 14 & 15 Hen. 8. c. 13. | A Confirmation of the Statute 11 Hen. 7. c. 5., and the same made perpetual. | The whole Act. |
| 23 Hen. 8. c. 18. | For pulling down Piles and Fishgarths in the Rivers Ouse and Humber. | The whole Act. |
| 1 Eliz. c. 17. | An Act for the Preservation of Spawn and Fry of Fish. | In so far as it relates to Salmon. |
| 3 Car. 1. c. 4. | An Act for Continuance and Repeal of divers Statutes. | The First Section of the Act. |
| 3 Jas. 1. c. 12. | An Act for the better Preservation of Sea Fish. | The whole Act. |
| 30 Car. 2. c. 9. | An Act for the better Preservation of Fishing in the River of Severn. | The whole Act. |
| 4 Ann. c. 21. | An Act for the Increase and better Preservation of Salmon and other Fish in the Rivers within the Counties of Southampton and Wiltshire. | The whole Act. |
| 9 Ann. c. 26. | An Act for the better Preservation and Improvement of Fishery within the River of Thames, and for regulating and governing the Company of Fishermen of the said River. | The Second Section of the Act. |
| 1 Geo. 1. Stat. 2. c. 18. | An Act for the better preventing Fresh Fish taken by Foreigners being imported into this Kingdom, and for the Preservation of the Fry of Fish, and for the giving Leave to import Lobsters and Turbots in Foreign Bottoms, and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England. | Sects. 11 to 16 inclusive. |
| 23 Geo. 2. c. 26. | An Act to continue several Laws for the better Regulation of Pilots for the conducting of Ships and Vessels from Dover, Deal, and Isle of Thanet up the River | Sects. 7, 8, & 9. |

| Reference to Act. | Title of Act | Extent of Repeal. |
|---|---|---|
| | of Thames and Medway, and for permitting Rum or Spirits of the British Sugar Plantations to be landed before the Duties of Excise are paid thereon, and to continue and amend an Act for preventing Frauds on the Admeasurement of Coals within the City and Liberty of Westminster and several Parishes near thereunto, and to continue several Laws for preventing Exactions of Occupiers of Locks and Wears upon the River Thames westward, and for ascertaining the Rates of Water Carriage upon the said River, and for the better Regulation and Government of Seamen in the Merchants Service; and also to amend so much of an Act made in the First Year of the Reign of King George the First as relates to the better Preservation of Salmon in the River Ribble, and to regulate Fees in Trials at Assizes and Nisi Prius upon Records issuing out of the Office of Pleas of the Court of Exchequer, and for the apprehending of Persons in any County or Place upon Warrant granted by Justices of the Peace in any other County or Place, and to repeal so much of an Act made in the 12th Year of the Reign of King Charles the Second as relates to the Time during which the Office of Excise is to be kept open each Day, and to appoint for how long Time the same shall be kept open upon each Day for the future, and to prevent the dealing or destroying of Turnips, and to amend an Act made in the Second Year of His present Majesty for better Regulation of Attorneys and Solicitors. | |
| 33 Geo. 2. c. 27. | An Act to repeal so much of an Act passed in the Twenty-ninth Year of His present Majesty's Reign concerning a free Market for Fish at Westminster as requires Fishermen to enter their Fishing Vessels at the Office of the Searcher of the Customs at Gravesend, and to regulate the Sale of Fish at the First Hand in the Fish Markets in London and Westminster, and to prevent Salesmen of Fish buying Fish to sell again on their own Account, and to allow Biet and Turbot, Brill and Pear, although under the respective Dimensions mentioned in a former Act, to be imported and sold, and to punish any Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unsizeable Fish, or Fish out of Season, or Smelts under the Size of Five Inches, and for other Purposes. | Sect. 13. |
| 18 Geo. 3. c. 33. | An Act for the better Preservation of Fish, and regulating the Fisheries in the Rivers Severn and Verniew. | In so far as it relates to Salmon. |

*Salmon Fisheries.*

| Reference to Act | Title of Act | Extent of Repeal |
|---|---|---|
| 37 Geo. 3. c. 95. | An Act to amend Two Acts made in the Fourth Year of the Reign of Queen Anne and the First Year of the Reign of King George the First, for the Preservation of Salmon and other Fish in the Rivers within the Counties of Southampton and Wilts. | In so far as it relates to Salmon. |
| 58 Geo. 3. c. 43. | An Act for preventing the Destruction of the Breed of Salmon and Fish of Salmon Kind in the Rivers of England. | The whole Act. |
| 6 & 7 Vict. c. 33. | An Act to repeal so much of an Act of the First Year of King George the First as limits the Time for taking and being restrained from taking Salmon in certain Rivers, and to amend and extend the Provisions of an Act of the Fifty-eighth Year of King George the Third to the Rivers therein mentioned. | The whole Act |
| 11 & 12 Vict. c. 52. | An Act to explain the Acts for preventing the Destruction of the Breed of Salmon and Fish of the Salmon Kind. | The whole Act. |

*Private Acts relating to Salmon Fisheries.*

| — | Rivers affected | Extent of Repeal |
|---|---|---|
| 43 Geo. 3. c. 61. - | Teign, Dart, and Plym, Devon - | The whole Act. |
| 44 Geo. 3. c. 45. - | Rivers flowing into the Solway Firth - | The whole Act, except in so far as it relates to Scotland, and to Fish other than Salmon in England. |
| 45 Geo. 3. c. 33. - | Carmarthenshire Rivers - - - | The whole Act. |
| 46 Geo. 3. c. 19. - | Rivers running into Milford Harbour - | In so far as it relates to Salmon. |
| 49 Geo. 3. c. 2. - | Lord Lonsdale's Fisheries in Derwent | The whole Act. |
| 5 & 6 Vict. c. 63. - | Tyne - - - - - - | The whole Act. |
| 21 & 22 Vict. c. 141. - | Tees - - - - - - | So much of Sects. 63 & 64 as relates to the making of Byelaws for the Regulation of Salmon Fisheries. |

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Definition of Terms.

3. In the Construction and for the Purposes of this Act the Term "Dealer in old Metals" shall mean any Person dealing in, buying, and selling old Metal, scrap Metal, broken Metal, or partly manufactured Metal Goods, or defaced or old Metal Goods, and whether such Person deals in such Articles only, or together with Second-hand Goods or Marine Stores, and the Term "old Metals" shall mean the said Articles.

Penalty on Dealer in old Metals being in possession of stolen Property.

4. It shall be lawful for any Justice of the Peace, upon Complaint made before him, upon Oath, that the Complainant has reason to believe and does believe that any old Metal stolen or unlawfully obtained is kept in any House, Shop, Room, or Place by any Dealer in old Metals within the Limits of the Jurisdiction of such Justice, to give Authority, by special Warrant, to any Constable or Police Officer to enter, in the Daytime, such House, Shop, Room, or other Place, with such Assistance as may be necessary, and to search for and seize all such old Metals there found, and to carry all the Articles so seized before the Justice issuing the said Warrant, or some other Justice exercising similar Jurisdiction, and such Justice shall thereupon issue a Summons requiring such Dealer to appear before Two Justices, at a Time and Place to be named in such Summons, and if such Dealer shall not then and there prove to the Satisfaction of such Justices how he came by the said Articles, or if any such Dealer shall be found in possession of any old Metal which has been stolen or unlawfully obtained, and on his being taken or summoned before Two Justices it shall be proved to the Satisfaction of such Justices that at the Time when he received it he had reasonable Cause to believe it to have been stolen or unlawfully obtained, then in either of such Cases such Dealer shall be liable to a Penalty not exceeding Five Pounds, and for any subsequent Offence to a Penalty not exceeding Twenty Pounds, or at the Discretion of the Justices in the Case of such Second or subsequent Offence shall be imprisoned and kept to Hard Labour for any Period not exceeding Three Calendar Months: Provided always, that nothing herein contained shall interfere with or affect any Proceeding by Indictment to which such Dealer in old Metals may be liable for feloniously and knowingly receiving stolen Goods, but no Person shall be prosecuted by Indictment and proceeded against under this Act for the same Offence.

Justices may order Dealer to be registered.

5. When any Dealer in old Metals is convicted of either of the Offences aforesaid, it shall be lawful for such Justices, or, on Proof of such Conviction, for any other Two Justices of the same Petty Sessional District of a County, or City or Borough, on Proof of such Conviction, to order and direct that such Dealer shall be registered at the Principal Police Office of such District or City or Borough in a Book

a Book to be kept by the Chief Officer of Police for the Purpose, according to the Form No. 1. in the Schedule to this Act annexed, and from and after such Registration such Dealer shall be subject to and shall conform to the several Regulations herein-after provided, for such Period, not exceeding Three Years, as such Justices shall order; and if such Dealer shall during such Period be convicted of any Offence under this Act, the Justices so convicting him may order such Period to be extended for not more than Three Years from the Time when such Period would otherwise expire; and in like Manner, whilst such Dealer is subject to the Regulations of this Act, on any further Conviction under this Act, and as often as such further Conviction shall take place, the Justices so convicting him may order the Period for which he is then subject to such Regulations to be extended for not more than Three Years from the Time when such Period would otherwise expire: Provided always, that where any Dealer in old Metals who is also a Dealer in Marine Stores within the Meaning of the Four hundred and eightieth Section of the Merchant Shipping Act, 1854, is registered as aforesaid, he shall likewise conform to the Regulations contained in the said Section of the said Act, and shall be liable to the Penalties in the said Section provided for not conforming to such Regulations.

**Dealer to give Notice of Change of Place of Business.**

6. Every Dealer in old Metals who is subject to the Regulations of this Act as aforesaid, shall upon removing to any other Place of Business give Notice of such Removal at the Police Office where he is registered, and if he shall continue to carry on Business as a Dealer in old Metals without giving such Notice, he shall incur a Penalty not exceeding Five Pounds, and a Penalty not exceeding Ten Shillings for every Day after the first on which he continues to carry on such Business without giving such Notice; and where such Dealer shall remove to any Place out of the Petty Sessional District of a County or the City or Borough in which he has been registered, it shall be the Duty of the Superintendent of Police for such District, City, or Borough to transmit a Certificate of such Registration signed by himself, which shall be Evidence of such Registration, together with a certified Copy of any Order of Justices, as to the Period for which such Dealer is to be subject to the Regulations of this Act, to the Clerk of the Justices for the District, City, or Borough in which such Dealer has taken up his Residence, and any of the Justices of such District, City, or Borough may thereupon issue a Summons to such Dealer to appear before Two Justices, and if it shall appear to such Justices that he intends carrying on Business as a Dealer in old Metals, such Justices may order him to be registered in the same Manner as provided in the Fifth Section of this Act, and such Registration shall have the same Effect, during the Period for which such Dealer is to be subject

to

to the Regulations of this Act by any Order of Justices as aforesaid, as in the said Section provided.

Inspectors and Serjeants of Police to visit Places of Business of registered Dealers in old Metals.

**7.** It shall be lawful for Two Justices by Order in Writing to authorize One or more Inspectors or Serjeants of Police to visit at any Time the Places of Business and inspect the Goods and Books of Dealers in old Metals who are subject to the Regulations of this Act as aforesaid, and who carry on Business within the District of a County or the City or Borough for which such Justices act, and every such Inspector or Serjeant shall and [illegible] by empowered to record in the Book herein-after required to be kept by every such Dealer in old Metals the Day and Hour of his Visit, and place opposite the Entry of every Article examined by him his Initials or Name in attestation of the same.

Regulations to be observed by registered Dealers in old Metals.

**8.** Every Dealer in old Metals who is registered as aforesaid shall, during the Period which the Justices shall order as above provided, conform to the following Regulations; (that is to say,)

(1.) He shall keep a Book or Books fairly written, and shall enter therein, according to the Form No. 2. in the Schedule to this Act annexed, an Account of all such old Metals as he may from Time to Time become possessed of, stating in respect of each Article the Name of the Person who purchased or received the same, and the Time at which and the Name of the Person from whom he purchased or received the same, adding in the Case of every such last-mentioned Person a Description of his Business and Place of Abode; and he shall also enter in such Book or Books, according to the Form No. 3. in the Schedule to this Act annexed, an Account of all such old Metals as he may from Time to Time sell or dispose of, stating in respect of such old Metals the Name of the Person to whom he sold or disposed of the same, adding a Description of his Business and Place of Abode; and every such Entry in such Book or Books shall be deemed and taken, unless the contrary be shown, to have been made by or with the Authority of the Dealer in old Metals to whom such Book or Books belong:

(2.) He shall not by himself or any other Person purchase or receive any old Metals of any Description before the Hour of Nine in the Morning nor after the Hour of Six in the Evening, nor shall he by himself or any other Person purchase or receive old Metals of any Description from any Person apparently under the Age of Sixteen Years, nor shall he employ any Servant or Apprentice or any other Person under the Age of Sixteen Years to purchase or receive old Metals of any Description:

(3.) He

(3.) He shall produce to any Inspector or Serjeant of Police, authorized as in the last preceding Section provided, whenever thereto requested, the Book or Books required to be kept as aforesaid, and any old Metals purchased or received by him then in his Possession; and such old Metals shall be deemed to be in the Possession of such Dealer when they are placed in any House, Outhouse, Yard, Garden, or Place occupied by him, or shall have been removed with his Knowledge and Permission to any other Place without a *bonâ fide* Sale of such old Metals having been made by him.

(4.) He shall without Delay give Notice to the Officer on Duty at the Police Station nearest to the Place where he carries on Business of any Articles then in his Possession or which shall thereafter come into his Possession answering the Description of any Articles which have been stolen, embezzled, or fraudulently obtained, of which printed or written Information, containing a Description of such Articles, is given to him by any Officer of Police:

(5.) He shall keep all old Metals purchased or received by him without changing the Form in which such Articles were when so purchased, or disposing of the same in any way for a Period of Forty-eight Hours after such Article has been purchased or received:

For any Act or Default contrary to the foregoing Regulations done or made by any registered Dealer in old Metals, during the Period which the Justices shall order as above provided, he shall incur a Penalty of not less than Twenty Shillings and not exceeding Five Pounds, and for every subsequent Offence a Penalty of not less than Five Pounds and not exceeding Twenty Pounds.

**Recovery of Penalties.**

**9.** Every Penalty hereby incurred and all Costs directed to be paid upon any Information or Complaint laid under the Provisions of this Act shall be recovered summarily before any Two or more Justices of the Peace in the Manner directed by the Act of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, or in such other Manner as may be directed by any Act or Acts that may be passed for like Purposes; and where any Costs or Expenses are incurred in or about the Prosecution or carrying into effect of this Act, which are not recoverable under the Provisions of the above Act, it shall be lawful for any Two Justices of the Peace of any County or Borough, if they shall think fit, to order and direct the same to be paid to the Party incurring the same out of the same Fund and in the same

Manner as is directed by the Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, Chapter Sixty-four, in Cases of Felony and Misdemeanor.

Application of Penalties.

**10.** The Justices imposing any Penalty under this Act may, if they shall think fit, direct the whole or any Part thereof to be applied in compensating any Person for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty is imposed, or to be applied in and towards Payment of the Expenses of the Proceedings; and subject to such Directions or specific Application as aforesaid, all Penalties shall be paid to the Treasurer of the County or of the City or Borough within which such Penalties are recovered, and shall be carried to and form Part of the County Fund or of the City or Borough Fund of such County or of such City or Borough respectively.

Appeal in certain Cases.

**11.** In all Cases of Convictions under the Fourth Section of this Act, and in all other Cases of Convictions under this Act where a Sum of Money exceeding Five Pounds shall be adjudged to be paid, any Person who thinks himself aggrieved by such Conviction may appeal to the next Court of General or Quarter Sessions which is holden not less than Twelve Days after the Day of such Refusal or Conviction for the County, City, Borough, Liberty, Riding, Division, or Place wherein the Case has been tried; provided that such Person shall give to the Justices or the Complainant, as the Case may be, a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also within such Periods respectively enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions and try such Appeal, and abide the Judgment of the Court thereupon, and pay such Costs as shall be by the Court awarded; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet: Provided always, that in case the Conviction appealed against shall be under the Fourth Section of this Act, and an Order for Registration has been made on such Conviction, the Party so convicted shall not be subject to the Regulations of this Act until after such Appeal is heard and determined against such Party.

Limit of Act.

**12.** This Act shall extend to *England* only.

SCHE-

## SCHEDULE.

### No. 1.

REGISTER OF DEALERS IN OLD METALS.

| Date of Registration. | Date of Conviction. | Period for which to be subject to Regulations of this Act. | Name. | Place of Abode and Business. |
|---|---|---|---|---|
| | | | | |

### No. 2.

ENTRY OF PURCHASES AND RECEIPTS.

| Day of Purchase or Receipt, and Hour of Day. | Description of old Metal purchased or received. | Name and Surname of Person who purchased or received. | Name and Surname of Person from whom purchased or received. | Business and Place of Abode of Person from whom purchased or received. |
|---|---|---|---|---|
| | | | | |

### No. 3.

ENTRY OF SALES.

| Day of Sale. | Description of old Metal sold. | Name and Surname of Person to whom sold. | Business and Place of Abode or Business of Person to whom sold. |
|---|---|---|---|
| | | | |

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Judge should cease to be a Commissioner of Charitable Donations and Bequests, and that the said last-recited Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of 20 & 21 Vict. c. 79. as provides that Judge of Court of Probate shall be a Commissioner of Charitable Donations, &c. repealed, and a new Commissioner to be appointed in his Stead.

1. So much of the said recited Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Seventy-nine, as provides that the Judge of Her Majesty's Court of Probate shall be One of the Commissioners of Charitable Donations and Bequests for *Ireland*, shall be and the same is hereby repealed, and it shall be lawful for Her Majesty, by Warrant under the Sign Manual, to appoint One other Person to be a Commissioner of Charitable Donations and Bequests for *Ireland*, instead of the said Judge of Her Majesty's Court of Probate so ceasing to be such Commissioner, and the Appointment of such Commissioner shall be published in the *Dublin* Gazette.

No Decision made by Judge to be set aside by reason of such Judge being a Commissioner of Charitable Donations, &c.

2. Provided always, That no Order, Decree, or Judgment which shall have been made or given, or Proceeding which shall have been taken, before the passing of this Act, by the Court of Probate in *Ireland*, in or in respect of any Issue which shall have been tried in the said Court, in which the said Commissioners of Charitable Donations and Bequests were Parties or had any Interest, shall be subject to be overruled or rendered invalid by reason of the Judge of the said Court having been *ex officio* One of the said Commissioners.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

mons, in this present Parliament assembled, and by the Authority of the same, as follows:

Division of West Riding of Yorkshire.

1. After the Dissolution of this present Parliament the West Riding of the County of *York* shall be divided into Two Divisions, to be called respectively the Northern and Southern Divisions; the Northern Division shall contain the Wapentakes of *Staincliffe* and *Ewecross*, *Claro*, *Skyrack*, and *Morley*; the Southern Division shall contain the Wapentakes of *Barkston Ash*, *Osgoldcross*, *Strafforth* and *Tickhill*, *Staincross*, and *Agbrigg*.

Number of Members in future Elections.

2. In all future Parliaments there shall be Two Knights of the Shire to serve for each of the said Northern and Southern Divisions, and such Knights shall be chosen in the same Manner, and by the same Classes or Descriptions of Voters, and in respect of the same Rights of Voting, as if each such Division were a separate County; and all Enactments now in force applicable to Divisions of Counties returning Knights of the Shire to serve in Parliament shall apply to the Divisions hereby constituted.

Courts and Polling Places.

3. The Court for the Election of Knights of the Shire for the said Northern Division shall be held at *Leeds*, and the Court for the Election of Knights of the Shire of the said Southern Division shall be held at *Wakefield*; but the Justices of the Peace for the said West Riding, assembled at any Court of Quarter Sessions not later than the first to be holden after the Dissolution of the present Parliament, shall name the Polling Places for each of the said Northern and Southern Divisions, and divide such Divisions into convenient Districts for polling, and shall assign One of such Districts to every Polling Place named; and a List stating the Polling Places and describing the Districts assigned shall be lodged with the Clerk of the Peace of the West Riding, who shall forthwith cause Copies of such List to be printed, and shall deliver a Copy of such List to every Person who shall apply for the same, upon Payment of One Shilling for each Copy: Provided always, that nothing herein contained shall, as regards the Divisions constituted by this Act, affect the Power of altering from Time to Time Polling Places and Districts contained in the Act of the Session held in the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and two.

Provision in case of Dissolution before Construction of new Polling District.

4. In case of a Dissolution of the present Parliament, and a new Election, taking place before the Justices have named such Polling Places and assigned such Polling Districts as aforesaid, the Places then by Law appointed for taking the Poll for Elections of Knights of the Shire for the West Riding of *York*, which are situate in the respective Divisions constituted by this Act, shall be the Places for taking

taking the Poll at such Election for the Election of Knights of the Shire to serve in Parliament for the respective Divisions constituted as aforesaid, and the Districts assigned to such Polling Places shall be deemed to continue for the Purposes of such Election, subject to this Qualification: that if a Portion of any District assigned to any Polling Place is situate in a different Division from the Polling Place, the Sheriff shall, in his Proclamation of the Place and Time at which the Election of Members for either Division is to be held, declare at what Polling Place or Polling Places the Voters of any Parish or Township situate in such outlying Portion are to vote.

**Voters for First General Election.**

5. For the Purposes of the First General Election for the said Northern and Southern Divisions that takes place after the Dissolution of this present Parliament, the Clerk of the Peace of the said West Riding shall make a new Register of Voters by apportioning to each Division, according to the Situation in such Division of the Parishes or Townships, the several Persons appearing, by the existing Register, to be for the Time being Voters for the said West Riding, and the Voters for the said Northern and Southern Divisions respectively shall be determined by such new Register, and shall be entitled to vote accordingly, and the Clerk of the Peace of the said West Riding shall send Notice to the Overseers of each Parish and Township within the said West Riding of the Division for which the Voters of such Parish or Township are entitled to vote, and the said Overseer shall publish such Notice in manner directed by Law; and at such General Election as is mentioned in this Section all Persons shall vote in the Polling District in which their Qualifications are situate, unless they may have claimed, and be entitled by Law, to vote in some other Polling District within the same Division.

**Voters at subsequent General Elections.**

6. For the Purposes of all Elections subsequent to the First General Election held for the said Divisions after the Dissolution of this present Parliament, Registers of Voters shall be formed in respect of the Divisions of the said West Riding constituted under this Act, at the same Time and in like Manner as if they were Divisions of Counties now returning Members to serve in Parliament; but nothing in this Act shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters to vote at any Election of a Member of the West Riding in respect of any Vacancy that may take place before such Dissolution.

**Additional Member for Southern Division of Lancashire.**

7. After the passing of this Act the Southern Division of *Lancashire* shall be entitled to return Three Knights of the Shire, instead of Two, to serve in Parliament.

8. As

Provision for Election of such additional Member.

8. As soon as may be after the passing of this Act the Speaker of the House of Commons shall, without any Motion being made, or, if it be during the Recess, without receiving any such Notice as is required in the Case of an ordinary Vacancy, issue a Warrant to the Clerk of the Crown to make out a Writ for electing an additional Member of the House of Commons for the said Southern Division of *Lancashire*, and such Warrant shall be valid notwithstanding the Issue thereof during the Recess of the House of Commons by Prorogation or Adjournment, and the same Proceedings, as nearly as Circumstances admit, shall be had in pursuance of the Writ so made out as if the said Division had previously returned Three Members, instead of Two, to serve in Parliament, and a Vacancy had occurred in the Seat of One of the Members returned for such Division.

Birkenhead to form a Borough to return One Member.

9. *Birkenhead* in the County of *Cheshire* shall, for the Purposes of this Act, be a Borough, and shall from and after the First Day of *December* One thousand eight hundred and sixty-one return One Member to serve in Parliament; it shall as such Borough include the Places following; that is to say, the Extra-parochial Chapelry of *Birkenhead*, the several Townships of *Claughton*, *Tranmere*, and *Oxton*, and so much of the Township of *Higher Bebbington* as lies to the Eastward of the Road leading from *Higher Tranmere* to *Lower Bebbington*.

Provision for Appointment of Returning Officer for such Borough.

10. The Sheriff for the Time being of the County in which the Borough constituted by this Act is situate shall as soon as possible after the passing of this Act, and in every subsequent Year in the Month of *March*, by Writing under his Hand, to be delivered to the Clerk of the Peace of the County within One Week, and to be by such Clerk of the Peace filed and preserved with the Records of his Office, appoint for such Borough a fit Person being resident therein to be, and such Person so appointed shall accordingly be, the Returning Officer for such Borough until the Appointment to be made in the succeeding *March*; and the Provisions contained in Section Eleven of the Act of the Session of the Second and Third Years of King *William* the Fourth, Chapter Forty-five, providing for the Event of the Death or Incapacity of any Person appointed as Returning Officer for any Borough, as therein mentioned, and exempting any Person so appointed from serving again in the same Office, and disqualifying certain Persons from being so appointed, and Persons so appointed from being appointed Churchwardens or Overseers, shall extend and be applicable to and for the Appointment

ment of Returning Officer for the Borough constituted by this Act, and to the Returning Officer to be appointed for the same.

**11.** Notwithstanding the Continuance of this present Parliament, a Register of Voters shall be formed in and after the Year One thousand eight hundred and sixty-one for the Borough constituted by this Act, in like Manner as if it were a Borough now returning a Member to serve in Parliament, with this Qualification, that for the Purposes of the Register of the said Borough to be formed in the Year One thousand eight hundred and sixty-one, the Act passed in the Session holden in the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, shall be construed as if the Month of *August* had been inserted therein in place of the Month of *June*, and the Month of *September* in the Place of the Month of *July*, and the Month of *October* in the Place of the Month of *August*, and the Month of *November* in the Place of the Month of *September*; and it shall be the Duty of the Revising Barrister to hold his Court for the Revision of the List of the Voters for the Borough between the Fourteenth Day of *November* and the Twenty-first Day of *November* One thousand eight hundred and sixty-one, instead of between the Fifteenth Day of *September* and the last Day of *October*, as in the said Act mentioned; and the printed Book or Books constituting the Register of Voters for the Borough of *Birkenhead* shall be delivered to the Returning Officer of the said Borough on or before the last Day of *November* as in the said Act mentioned; and the said Register shall be deemed to be in force from and after such last-mentioned Day.

A Register of Voters to be formed in 1861 for such Borough.

**12.** No Person shall be registered in the Register of Voters formed after the passing of this Act for the County of *Cheshire* who would not be entitled to be so registered in case the Borough of *Birkenhead* were now a Borough returning a Member to serve in Parliament.

Provisions consequent on Formation of such Borough.

**13.** In case a Dissolution of this present Parliament takes place before the Day at and from which the Register of Voters to be first made for the Borough constituted by this Act begins to be in force, the Writs for the Election of a Member to serve in Parliament for such Borough shall not be issued until such Register begins to be in force; but if no Dissolution of this present Parliament takes place before such last-mentioned Day, the Speaker of the House of Commons shall, without any Motion being made, or, if it be during the Recess, without receiving any such Notice as is required in the Case of an ordinary Vacancy, issue a Warrant to the

Provision as to such Borough in case of a Dissolution before its Register is in force.

the Clerk of the Crown to make out a Writ for the Election of One Member for the said Borough, and such Warrant shall be valid notwithstanding the Issue thereof during the Recess of the House of Commons by Prorogation or Adjournment, and the same Proceedings, as nearly as Circumstances admit, shall be had in pursuance of the Writ so made out as if the said Borough had previously returned a Member to Parliament, and a Vacancy had occurred in the Seat of such Member.

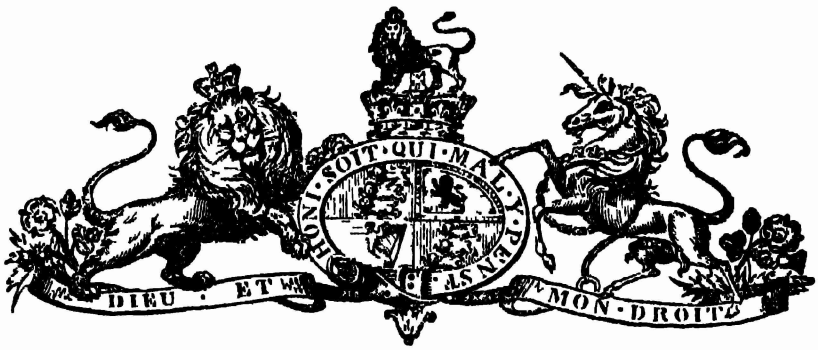
Writs, &c. to be made conformable to this Act.

**14.** All Warrants and Writs to be issued for the Election of Members to serve in Parliament, in pursuance of this Act, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

Election Laws to remain in force.

**15.** Subject to the Provisions of this Act, all Laws, Statutes, Usages, Provisions, and Penalties now in force relating to the issuing of Writs, the Conduct of Elections, or otherwise respecting the Representation of the People in *England* and *Wales*, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to the Borough hereby constituted, as if it were now a Borough returning a Member to Parliament, and to the Divisions of Counties hereby authorized to return additional Members, as if they were now returning such additional Member.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

authorized by Statute to do alone whatsoever is authorized by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, to be done by any Two or more Justices of the Peace:

"Managers" shall include the Directors, Managers, or other Persons who have the Management or Control of any such Industrial School as is herein-after mentioned:

"Parent" shall include any Person legally liable to maintain a Child, except the putative Father of a Bastard Child on whom an Order of Affiliation has been made:

"County" shall include any City, Borough, Riding, Division of a County, or other Place having a separate Commission of the Peace:

"Parish" shall include any Place maintaining its own Poor.

*Certified Industrial Schools.*

Mode of certifying Industrial School.

**4.** Her Majesty's Secretary of State for the Home Department, herein-after referred to as the Secretary of State, may, upon the Application of the Managers of any School in which industrial Training is provided, and in which Children are clothed, lodged, and fed, as well as taught, appoint such Person as he may think fit to examine into the Condition of the School, and to report to him thereon, and if satisfied with such Report he may by Writing under his Hand certify that such School is fitted for the Reception of such Children as may be sent there in pursuance of this Act, and shall cause a Copy of the Certificate to be sent to the Clerk of the Peace of the County in which the School is situate, and to the Town Clerk of every Borough within such County; but no School shall be certified under this Act and also under the Act of the Session of the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, intituled *An Act for the better Care and Reformation of youthful Offenders in* Great Britain.

Withdrawal of Certificate by Secretary of State.

**5.** Every Industrial School that has been certified under this Act, herein-after referred to as "a certified Industrial School," shall from Time to Time, and at least once in each Year, be inspected by a Person to be appointed by the Secretary of State; and it shall be lawful for the Secretary of State, if dissatisfied with the Condition of such School as reported to him, by Notice under his Hand, addressed to the Managers of such School, to declare that the Certificate is withdrawn, from and after a Day to be specified in such Notice, not less than Two Months after the Date thereof.

**6.** Any

6. Any such Notice as aforesaid may be served on the Managers of such School by delivering the same personally to any One of them, or by sending it, by Post or otherwise, in a Letter addressed to them or any of them at the said School, or at the usual or last known Place of Abode of any Manager, or of the authorized Secretary, and shall cause a Copy of the Notice to be sent to the Clerk of the Peace of the County in which the School is situate, and to the Town Clerk of every Borough within such County; and any School on the Managers of which such Notice has been served shall from and after the Day therein specified cease to be a certified Industrial School within the Meaning of this Act. Notice of Withdrawal.

7. The Managers of any certified Industrial School may, upon giving Six Months previous Notice of their Intention so to do, in Writing under the Hand of One or more of them, or of the authorized Secretary, require the Secretary of State to withdraw the Certificate given to such School; and accordingly, at the Expiration of Six Months from the Date of the Notice, such Certificate shall be deemed to be withdrawn, and from thenceforth it shall not be lawful to send or receive there any more Children under this Act; but the Managers of a certified Industrial School shall not, except in manner provided by this Section, have Power, without the Consent of the Secretary of State, expressed in Writing, to withdraw from the Obligation of educating, clothing, lodging, and feeding any Children that at the Time of the giving such Notice may be in the School, in pursuance of the Provisions of this Act, until the Certificate be withdrawn, or until such Children be removed to some other Industrial School by an Order of the Secretary of State; and if such Managers make default in so doing they shall incur a Penalty not exceeding Five Pounds for each Default, to be recovered in manner herein-after mentioned. Resignation of Certificate by Managers.

8. The Guardians of any Union or any Parish wherein the Relief to the Poor is administered by a Board of Guardians, may, if they deem proper, with Consent of the Poor Law Board, contract with the Managers of any certified Industrial School for the Maintenance and Education of any Pauper Child. Guardians may contract with Managers.

*Admission of Children to and their Status at School.*

9. Children of the Descriptions herein-after mentioned may be sent to certified Industrial Schools in pursuance of the Provisions of this Act; that is to say, Description of Children liable to be sent to School.

1. Any Child apparently under the Age of Fourteen Years found begging or receiving Alms, or being in any Street or public Place for the Purpose of begging or receiving Alms:

2. Any

2. Any Child apparently under the Age of Fourteen Years that is found wandering, and not having any Home or settled Place of Abode, or any visible Means of Subsistence, or frequents the Company of reputed Thieves:

3. Any Child apparently under the Age of Twelve Years who, having committed an Offence punishable by Imprisonment or some less Punishment, ought nevertheless, in the Opinion of the Justices, regard being had to his Age and to the Circumstances of the Case, to be sent to an Industrial School:

4. Any Child under the Age of Fourteen Years whose Parent represents that he is unable to control him, and that he desires such Child to be sent to an Industrial School, in pursuance of this Act, and who at the same Time gives such Undertaking or other Security as may be approved by the Justices before whom he is brought, in pursuance of this Act, to pay all Expenses incurred for the Maintenance of such Child at School:

Provided that no Child who, on being brought before the Justices, is proved to have been previously convicted of Felony, shall be deemed to be within the Provisions of this Act.

**Justices may send Child to School.**

**10.** Any Person may bring before Justices any Child that is herein-before declared to be liable to be sent to an Industrial School; and the Justices shall make full Inquiry into all the Facts of the Case, and if satisfied, on the Result of such Inquiry that this Act applies to such Child, and that it is expedient to deal with him under its Provisions, may, by Writing under their Hands and Seals, order the Child to be sent, for such Period as they may think necessary for his Education and Training, to any certified Industrial School, whether situate within their Jurisdiction or not, the Managers of which are willing to receive such Child; subject to this Qualification, that it shall be the Duty of the Justices to select, if possible, an Industrial School conducted in accordance with the Religious Persuasion to which the Parent of the Child appears to them to belong: Provided also, that the Justices shall have Power, while Inquiry is being made respecting such Child, or respecting a School to which he may be sent, to order him to be taken to the Workhouse belonging to the Parish in which such Child has been found, and to be detained therein, at the Cost of the Union to which the Parish belongs, for any Time not exceeding Seven Days, or until an Order be made, previous to the Expiration thereof, for the Discharge of such Child, or for his being sent to an Industrial School,

School, as herein-before provided, and such Child shall be so detained accordingly: Provided that the Order of the Justices sending the Child to School shall specify the Religious Persuasion to which the Child appears to the Justices to belong, and it shall be lawful for a Minister of that Religious Persuasion to visit the Child at the School on such Days and at such Times of the Day as may from Time to Time be fixed by Regulations to be made by the Secretary of State, for the Purpose of instructing him in Religion.

**Lodging Child at School.**

**11.** The Managers of any certified Industrial School may, at their Discretion, permit any Child sent there in pursuance of this Act to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, so that they educate, feed, and clothe the Child in all respects as if he were lodging in the School itself, and that they report to the Secretary of State, in such Manner as he may require, every Instance in which they exercise a Discretion under this Section.

**Settlement not acquired by Stay at School.**

**12.** The Time during which any Child is lodged in any certified Industrial School under this Act shall, for all the Purposes of the Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Sixty-six, and of every Act incorporated therewith, be excluded in the Computation of the Time therein mentioned.

**Power to make Rules, &c.**

**13.** It shall be lawful for the Managers of any certified Industrial School to make all necessary Rules, Orders, and Byelaws for the Regulation and Management of the School under their Charge, not repugnant to the Provisions of this Act; but no such Rules, Orders, or Byelaws shall be enforced until they have been submitted to and approved by the Secretary of State.

**Limitation of Stay at School.**

**14.** No Child shall in pursuance of this Act be detained against his Consent in any certified Industrial School after he has attained the Age of Fifteen Years.

**Discharge of Child from School.**

**15.** The Secretary of State may from Time to Time, by Writing under his Hand, remove any Child sent to an Industrial School in pursuance of this Act from one certified Industrial School to another, so that the whole Period of the Detention of such Child at Industrial Schools be not thereby increased: He may also, in like Manner, discharge any Child from an Industrial School, either absolutely or upon Condition of the Parent of such Child or any near Relation undertaking to educate, clothe, and feed him, or entering into such other Undertaking as the Secretary of State may require.



**16.** On

Power in certain Cases to discharge Child from School before Expiration of Period for which he has been sent there.

**16.** On the Application of the Parent, or of the Managers, or of the Guardians who may be liable to make any Repayment as aforesaid on account of any Child, any Justices of the County in which the School is situate, if satisfied that a suitable Employment has been provided for the Child, or that there is otherwise sufficient Cause, may discharge the Child from the School before the full Expiration of the Period for which he has been sent there.

*Maintenance of Children at School.*

Maintenance of Child at School.

**17.** The Commissioners of Her Majesty's Treasury, upon the Representation of the Secretary of State, may, out of Monies provided by Parliament, contribute towards the Maintenance of any Children sent to School in pursuance of this Act, except such Children as are sent to School, in pursuance of this Act, at the Desire of their Parents, and on their Representation that they are unable to control them, at such Rate *per* Head as may be determined by him, or such Portion of the Cost as may not be recovered from the Parent of the Child in manner herein provided, or such other Portion as the Secretary of State may recommend.

Order for Payment of Maintenance.

**18.** The Justices by whom any Child is sent to School in pursuance of this Act, or Justices having Jurisdiction within the District where the School is situate to which any Child is sent in pursuance of this Act, or in which the Parent of such Child shall reside, upon an Application made by any Person appointed by the Secretary of State for that Purpose, or by any Agent of such Person, shall have Authority to make an Order on the Parent of such Child for the Payment, either at the Time of the Child being first sent to School, or at any Time during his Continuance at School, of the Expenses of his Maintenance at School to an Amount not exceeding Five Shillings for every Week during which the Child remains at such School.

Variation of Order.

**19.** The Order made by the Justices may specify the Time during which the Parent is to pay the Sums thereby directed to be paid, or it may be indefinite, and until further Order; and any Justices of the Peace having Jurisdiction to make such Order may from Time to Time vary the same whenever Circumstances require it, on the Application either of the Parent or of any Person appointed by the Secretary of State to receive the Money, or by the Agent of such Person, on Fourteen Days Notice being first given of such Application to such Person or his Agent, or to such Parent, respectively.

*Absconding*

*Industrial Schools.*

*Absconding from School.*

**20.** If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or before being duly discharged, wilfully absconds from the School to which he is sent in pursuance of this Act, or neglects to attend thereat, or wilfully refuses to conform to the Regulations thereof, any Justices having Jurisdiction in the Place in which the School is situate or in which the Child is retaken may, by Writing under their Hands and Seals, order him to be sent back to the School, and to be detained there until he attains the Age of Fifteen Years, or for such shorter Period as the Justices think fit, or, instead of sending him back to such last-mentioned School, the Justices may commit him, under the Provisions of the Act of the Session of the Seventeenth and Eighteenth Years of *Victoria*, Chapter Eighty-six, to any Reformatory School certified under the said Act. Penalty on Child absconding.

**21.** Any Person who directly or indirectly withdraws a Child from the certified Industrial School to which he has been sent, previously to his attaining the Age of Fifteen Years or to being duly discharged, or who induces or aids him to abscond, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence incur a Penalty not exceeding Five Pounds, or shall be liable, at the Discretion of the Justices, to be imprisoned for any Period not exceeding Twenty Days. Penalty on inducing Child to abscond.

*Recovery of Penalties.*

**22.** Penalties may be recovered and Payments may be enforced under this Act in manner provided by the Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, and any Act amending the same. Mode of recovering Penalties.

*Evidence.*

**23.** Whenever the Secretary of State grants a Certificate to or withdraws it from any Industrial School, in pursuance of this Act, he shall cause a Notice of such Grant or Withdrawal to be published in the *London Gazette* within One Calendar Month, and such Publication shall be sufficient Evidence of the Fact in all Proceedings before Justices and other Courts. Evidence of School being certified.

**24.** The Order made by the Justices sending any Child to a certified Industrial School shall be forwarded to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child. Evidence of Order of Justices.

**25.** Whenever it is necessary to prove that any Industrial School is duly certified under this Act, the Production of an attested Copy Evidence of Certificate of School,

Identity of Child, and making of Orders.

Copy of the Certificate or of the Notice published in the *London Gazette* shall be sufficient Evidence thereof; and the Production of the Order under which any Child has been sent to or is detained in any certified Industrial School under this Act, or a Copy of such Order, with a Memorandum signed by One of the Managers or their authorized Secretary, or by the Superintendent or Master or Matron of any such School, that the Child named in such Order was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, and the Production of any Order made under this Act, or a Copy thereof, certified by the Clerk to the Justices making the same to be a correct Copy, shall in all Proceedings whatsoever be sufficient Evidence of the due making and signing of all or any of such Orders, Memorandum, and Certificate respectively, and of the sending, Detention, and Identity of the Child or Parent named in such Orders respectively, without Proof of the Signatures of the Justices or other Persons appearing to have signed the same respectively.

*Forms.*

Use of Form in Schedule.

**26.** No Summons, Notice, or Order made for the Purpose of carrying into effect the Provisions of this Act shall be invalidated for Want of Form only; and the Form in the Schedule to this Act annexed, or any Form to the like Effect, may be used in the Case to which it refers, and when used shall be deemed sufficient.

*Repeal of Acts.*

Repeal of Acts herein named.

**27.** There shall be repealed the Acts herein-after mentioned; that is to say,

1. An Act passed in the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-eight, intituled *An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools:*
2. An Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and eight, intituled *An Act to amend the Industrial Schools Act*, 1857:

Provided that such Repeal shall not affect—

1. Any Certificate given or anything duly done under any Act hereby repealed:
2. Any Order made under any Act hereby repealed:
3. Any Penalty, Forfeiture, or other Punishment incurred under any Act hereby repealed, or any Remedy for recovering or enforcing the same.

**28.** This

**28.** This Act shall apply to all Schools certified under the Acts hereby repealed or either of them, and to all Children sent to any Industrial School, under the Acts hereby repealed or either of them, in the same Manner in all respects as if such Certificate had been given or Children been sent under the Provisions of this Act, with this Qualification, that no Child shall be detained at any Industrial School, in pursuance of any Order made under the repealed Acts, for a longer Period than he would have been detained if this Act had not passed. Application of Act to existing certified Schools.

**29.** This Act shall remain in force until the First Day of *January* One thousand eight hundred and sixty-four. Duration of Act.

## SCHEDULE.

### Form.

Order sending Child to Industrial School.

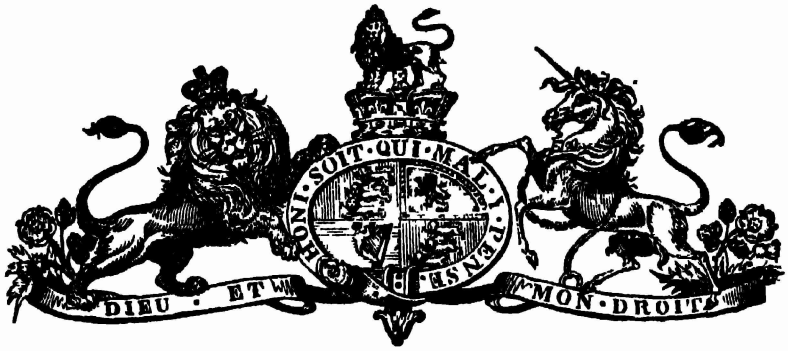
to wit. } To the Constable of and to the Managers of the certified Industrial School at

Whereas a certain Child named *A.B.* was this Day brought before us, Her Majesty's Justices of the Peace for the in Petty Sessions assembled, under the Provisions of the Industrial Schools Act, 1861: Now therefore we, the said Justices, being satisfied that the said Act applies to such Child, and that it is expedient to deal with him [*or* her] under its Provisions, order you the said Constable in pursuance of the said Act to take the said Child, and him [*or* her] safely convey to the certified Industrial School at aforesaid, and there to deliver him [*or* her], together with this Order; and we do hereby command you the said Managers to receive the said Child into your Charge in the said School, and there to detain, educate, clothe, and feed him [*or* her] for the Period of from the Date hereof.

Given under our Hands and Seals, this Day of at in the County aforesaid.

[*Signatures and Seals of Justices.*]

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

made according to local Usage.

Time of his or her Death) shall as regards Personal Estate be held to be well executed, and shall be admitted in *England* and *Ireland* to Probate, and in *Scotland* to Confirmation, if the same be executed according to the Forms required by the Laws for the Time being in force in that Part of the United Kingdom where the same is made.

Change of Domicile not to invalidate Will.

**3.** No Will or other testamentary Instrument shall be held to be revoked or to have become invalid, nor shall the Construction thereof be altered, by reason of any subsequent Change of Domicile of the Person making the same.

Nothing in this Act to invalidate Wills otherwise made.

**4.** Nothing in this Act contained shall invalidate any Will or other testamentary Instrument as regards Personal Estate which would have been valid if this Act had not been passed, except as such Will or other testamentary Instrument may be revoked or altered by any subsequent Will or testamentary Instrument made valid by this Act.

Extent of Act.

**5.** This Act shall extend only to Wills and other testamentary Instruments made by Persons who die after the passing of this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

*Misconduct in the Presence of the Enemy.*

Penalty for Misconduct in Action.

2. Every Flag Officer, Captain, Commander or Officer commanding subject to this Act who upon Signal of Battle, or on Sight of a Ship of an Enemy which it may be his Duty to engage, shall not,

(1.) Use his utmost Exertion to bring his Ship into Action;

(2.) Or shall not during such Action, in his own Person and according to his Rank, encourage his inferior Officers and Men to fight courageously;

(3.) Or who shall surrender his Ship to the Enemy when capable of making a successful Defence, or who in Time of Action shall improperly withdraw from the Fight,

shall, if he has acted traitorously, suffer Death; if he has acted from Cowardice shall suffer Death, or be imprisoned, and be also dismissed with Disgrace from Her Majesty's Service; and if he has acted from Negligence, or through other Default, he shall be dismissed from Her Majesty's Service, with or without Disgrace, or shall suffer such other Punishment as is herein-after mentioned.

Penalty for not pursuing the Enemy and of not assisting a Friend in View.

3. Every Officer subject to this Act who shall forbear to pursue the Chase of any Enemy, Pirate, or Rebel, beaten or flying, or shall not relieve and assist a known Friend in View to the utmost of his Power, or who shall improperly forsake his Station, shall, if he has therein acted traitorously, suffer Death; if he has acted from Cowardice, suffer Death or such other Punishment as is herein-after mentioned; if he has acted from Negligence, or through other Default, shall be dismissed from Her Majesty's Service, with Disgrace, or shall suffer such other Punishment as is herein-after mentioned.

Penalty for delaying or discouraging the Service, or deserting his Post, &c.

4. When any Action or any Service is commanded, every Person subject to this Act who shall presume to delay or discourage the said Action or Service upon any Pretence whatsoever, or in the Presence or Vicinity of the Enemy shall desert his Post or sleep upon his Watch, shall suffer Death, or such other Punishment as is herein-after mentioned.

Penalty for Misconduct of subordinate Officers and Men in Action.

5. Every Person subject to this Act, and not being a Commanding Officer, who shall not use his utmost Exertions to carry the Orders of his superior Officers into execution when ordered to prepare for Action, or during the Action, shall, if he has acted traitorously, suffer Death; if he has acted from Cowardice shall suffer Death, or such other Punishment as is herein-after mentioned; and if he has acted from Negligence, or through other Default, be dismissed from Her Majesty's Service, with Disgrace, or suffer such other Punishment as is herein-after mentioned.

*Commu-*

*Government of the Navy.*

*Communications with the Enemy.*

**6.** All Spies for the Enemy shall be deemed to be Persons subject to this Act, and shall suffer Death, or such other Punishment as is herein-after mentioned.

Penalty for Spies.

**7.** Every Person subject to this Act who shall traitorously hold—
(1.) Correspondence with or shall give Intelligence to the Enemy;
(2.) Or fail to make known to the proper Authorities any Information he may have received from the Enemy;
(3.) Or who shall relieve the Enemy with any Supplies,
shall suffer Death, or such other Punishment as is herein-after mentioned.

Penalty for corresponding, &c. with the Enemy.

**8.** Every Person subject to this Act who shall, without any treacherous Intention, hold any improper Communication with the Enemy, shall be dismissed from Her Majesty's Service, or shall suffer such other Punishment as is herein-after mentioned.

Penalty for improper Communication with the Enemy.

*Neglect of Duty.*

**9.** Every Person subject to this Act who shall desert his Post or sleep upon his Watch, or negligently perform the Duty imposed on him, shall be dismissed from Her Majesty's Service, with Disgrace, or shall suffer such other Punishment as is herein-after mentioned.

Penalty for abandoning Post, &c.

*Mutiny.*

**10.** Where Mutiny is accompanied by Violence, every Person subject to this Act who shall join therein shall suffer Death, or such other Punishment as is herein-after mentioned; and every Person subject to this Act who shall not use his utmost Exertions to suppress such Mutiny shall, if he has acted traitorously, suffer Death, or such other Punishment as is herein-after mentioned; if he has acted from Cowardice, shall suffer Penal Servitude or such other Punishment as is herein-after mentioned; if he has acted from Negligence he shall be dismissed from Her Majesty's Service, with Disgrace, or suffer such other Punishment as is herein-after mentioned.

Penalty for Mutiny with Violence.

**11.** Where a Mutiny is not accompanied by Violence, the Ringleader or Ringleaders of such Mutiny shall suffer Death, or such other Punishment as is herein-after mentioned; and all other Persons who shall join in such Mutiny, or shall not use their utmost Exertions to suppress the same, shall suffer Imprisonment or such other Punishment as is herein-after mentioned.

Penalty for Mutiny not accompanied by Acts of Violence.

**12.** Every

*Government of the Navy.*

Penalty for inciting to Mutiny.

**12.** Every Person subject to this Act who shall endeavour to seduce any other Person subject to this Act from his Duty or Allegiance to Her Majesty, or endeavour to incite him to commit any Act of Mutiny, shall suffer Death or such other Punishment as is herein-after mentioned.

Penalty for Civilians endeavouring to seduce from Allegiance.

**13.** Every Person, not otherwise subject to this Act, who, being on board any Ship of Her Majesty, shall endeavour to seduce from his Duty or Allegiance to Her Majesty any Person subject to this Act, shall so far as respects such Offence be deemed to be a Person subject to this Act, and shall suffer Death or such other Punishment as is herein-after mentioned.

Penalty for making mutinous Assemblies or uttering seditious Words.

**14.** Every Person subject to this Act who shall make or endeavour to make any mutinous Assembly, or shall lead or incite any other Person to join in any mutinous Assembly, or shall utter any Words of Sedition or Mutiny, shall suffer Penal Servitude or such other Punishment as is herein-after mentioned.

Penalty for concealing any traitorous or mutinous Practice, Design, or Words.

**15.** Every Person subject to this Act who shall wilfully conceal any traitorous or mutinous Practice or Design, or any traitorous or mutinous Words spoken against Her Majesty, or any Words, Practice, or Design tending to the Hindrance of the Service, shall suffer Penal Servitude or such other Punishment as is herein-after mentioned.

Penalty for striking or offering to strike superior Officer.

**16.** Every Person subject to this Act who shall strike or offer to strike or use any Violence against his superior Officer, being in the Execution of his Office, shall be punished with Death, or such other Punishment as is herein-after mentioned; and every Person subject to this Act who shall strike or offer to strike or use any Violence against his superior Officer, not being in the Execution of his Office, shall be punished with Penal Servitude or such other Punishment as is herein-after mentioned.

*Insubordination.*

Penalty for Disobedience or using threatening Language to superior Officer.

**17.** Every Person who shall wilfully disobey any lawful Command of his superior Officer, or shall use threatening or insulting Language or behave with Contempt to his superior Officer, shall be punished with Dismissal from Her Majesty's Service, with Disgrace, or suffer such other Punishment as is herein-after mentioned.

Penalty for quarrelling, &c., or using reproachful Speech or Gestures.

**18.** Every Person subject to this Act who shall quarrel or fight with any other Person, whether such other Person be or be not subject to this Act, or shall use reproachful or provoking Speeches or Gestures, tending to make any Quarrel or Disturbance, shall suffer Imprisonment or such other Punishment as is herein-after mentioned.

*Desertion*

*Desertion and Absence without Leave.*

**19.** Every Person subject to this Act who shall absent himself from his Ship or from the Place where his Duty requires him to be, without any Intention of returning to such Ship or Place, or who shall at any Time and under any Circumstances when absent from his Ship do any Act which shows that he has not any Intention of returning to such Ship or Place, shall be deemed to have deserted, and shall be punished accordingly; that is to say, Penalty for Desertion.

(1.) If he has deserted to the Enemy he shall be punished with Death or such other Punishment as is herein-after mentioned;

(2.) If he has deserted under any other Circumstances he shall be punished with Penal Servitude or such other Punishment as is herein-after mentioned;

and in every such Case he shall forfeit all Pay, Head Money, Bounty, Salvage, Prize Money, and Allowances that have been earned by him, and all Annuities, Pensions, Gratuities, Medals, and Decorations that may have been granted to him, and also all Clothes and Effects which he may have left on board the Ship or at the Place from which he has deserted, unless the Tribunal by which he is tried shall otherwise direct.

**20.** Every Person subject to this Act who shall endeavour to seduce any other Person subject to this Act to desert shall suffer Imprisonment, or such other Punishment as is herein-after mentioned. Penalty for inducing any Person to desert.

**21.** Every Officer in Command of any Ship of Her Majesty who shall receive or entertain any Deserter from Her Majesty's Military or Naval Forces, after discovering him to be a Deserter, and shall not, with all convenient Speed, in the Case of a Deserter from Her Majesty's Naval Forces, give Notice to the Commanding Officer of the Ship to which such Deserter belongs, or, if such Ship is at a Distance, to the Secretary of the Admiralty or to the Commander-in-Chief, or, in case of a Deserter from Her Majesty's Military Forces, give Notice to the Secretary of War or the Commanding Officer of the Regiment to which such Deserter belongs, the Officer so offending shall be dismissed from Her Majesty's Service, or shall suffer such other Punishment as is herein-after mentioned. Penalty for entertaining a Deserter.

**22.** Every Person subject to this Act who shall be absent without Leave shall be liable to Imprisonment for any Period not exceeding Ten Weeks, with or without Hard Labour, or such other Punishment as the Circumstances of the Case may require, and shall also forfeit out of his Wages a Sum not exceeding the Amount of Two Days Pay, exclusive of all Charges of Apprehension, and in Penalty for Absence without Leave.

addition for every Twenty-five Hours of Absence a Sum not exceeding Six Days Pay; and any Person may be deemed to be absent without Leave, notwithstanding his Absence may not have been voluntary, but may have been caused by Imprisonment under any Commitment for any Offence against the Law.

*Miscellaneous Offences.*

Penalty for profane Swearing and other Immoralities.

**23.** Every Person subject to this Act who shall be guilty of any profane Oath, Cursing, Execration, Drunkenness, Uncleanness, or other scandalous Action in derogation of God's Honour and Corruption of good Manners, shall be dismissed from Her Majesty's Service, with Disgrace, or suffer such other Punishment as is herein-after mentioned.

Penalty on Officer for Cruelty or Oppression.

**24.** Every Officer subject to this Act who shall be guilty of Cruelty, or of any scandalous or fraudulent Conduct, shall be dismissed with Disgrace from Her Majesty's Service; and every Officer subject to this Act who shall be guilty of any other Conduct unbecoming the Character of an Officer shall be dismissed, with or without Disgrace, from Her Majesty's Service.

Penalty for suffering Ships to be improperly lost.

**25.** Every Person subject to this Act who shall either designedly or negligently or by any Default lose, strand, or hazard, or suffer to be lost, stranded, or hazarded, any Ship of Her Majesty, or in Her Majesty's Service, shall be dismissed from Her Majesty's Service, with Disgrace, or suffer such other Punishment as is herein-after mentioned.

Penalty for not taking care of and defending Ships under Convoy.

**26.** The Officers of all Ships of Her Majesty appointed for the Convoy and Protection of any Ships or Vessels shall diligently perform their Duty without Delay according to their Instructions in that Behalf; and every Officer who shall fail in his Duty in this respect, and shall not defend the Ships and Goods under his Convoy, without Deviation to any other Objects, or shall refuse to fight in their Defence if they are assailed, or shall cowardly abandon and expose the Ships in his Convoy to Hazard, or shall demand or exact any Money or other Reward from any Merchant or Master for convoying any Ships or Vessels entrusted to his Care, or shall misuse the Masters or Mariners thereof, shall make such Reparation in Damages to the Merchants, Owners, and others as the Court of Admiralty may adjudge, and also shall be punished criminally according to the Nature of his Offence, by Death or such other Punishment as is herein-after mentioned.

Master of Merchant Vessel to

**27.** Every Master or other Officer in Command of any Merchant or other Vessel under the Convoy of any Ship of Her Majesty

Majesty shall obey the Commanding Officer thereof in all Matters relating to the Navigation or Security of the Convoy, and shall take such Precautions for avoiding the Enemy as may be directed by such Commanding Officer; and if he shall fail to obey such Directions such Commanding Officer may compel Obedience by Force of Arms, without being liable for any Loss of Life or of Property that may result from his using such Force.

obey Orders of convoying Officer.

**28.** Every Officer in Command of any of Her Majesty's Ships who shall receive on board, or permit to be received on board, such Ship any Goods or Merchandises whatsoever, other than for the sole Use of the Ship, except Gold, Silver, or Jewels, and except the Goods and Merchandise belonging to any Merchant, or on board any Ship which may be shipwrecked or in imminent Danger, either on the High Seas or in some Port, Creek, or Harbour, for the Purpose of preserving them for their proper Owners, or except such Goods or Merchandise as he may at any Time be ordered to take or receive on board by Order of the Admiralty, shall be dismissed from Her Majesty's Service, or suffer such other Punishment as is herein-after mentioned.

Penalty for taking any Goods on board other than for the Use of the Vessel, except Gold, Silver, Jewels, &c.

**29.** Every Person subject to this Act who shall wastefully expend, embezzle, or fraudulently buy, sell, or receive, any Ammunition, Provisions, or other Public Stores, and every Person subject to this Act who shall knowingly permit any such wasteful Expenditure, Embezzlement, Sale, or Receipt, shall suffer Imprisonment or such other Punishment as is herein-after mentioned.

Penalty for embezzling Public Stores.

**30.** Every Person subject to this Act who shall unlawfully set fire to any Dockyard, Victualling Yard, or Steam Factory Yard, Arsenal, Magazine, Building, Stores, or to any Ship, Vessel, Hoy, Barge, Boat, or other Craft, or Furniture thereunto belonging, not being the Property of an Enemy, Pirate, or Rebel, shall suffer Death or such other Punishment as is herein-after mentioned.

Penalty for burning any Magazine or Vessel, &c., not belonging to an Enemy.

**31.** Every Person subject to this Act who shall knowingly make or sign a false Muster or Record or other official Document, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other Person in the making or signing thereof, shall be dismissed from Her Majesty's Service, with Disgrace, or suffer such other Punishment as is herein-after mentioned.

Penalty for making or signing false Musters.

**32.** Every Person subject to this Act who shall wilfully do any Act, or wilfully disobey any Orders, whether in Hospital or elsewhere,

Penalty for Misconduct in Hospital.

where, with Intent to produce or to aggravate any Disease or Infirmity, or to delay his Cure, or who shall feign any Disease, Infirmity, or Inability to perform his Duty, shall suffer Imprisonment, or such other Punishment as is herein-after mentioned.

Penalty for endeavouring to stir up any Disturbance on account of Unwholesomeness of the Victuals or other just Grounds.

**33.** Every Person subject to this Act who shall have any Cause of Complaint, either of the Unwholesomeness of the Victuals or upon any other just Ground, shall quietly make the same known to his Superior, or Captain, or Commander-in-Chief, and the said Superior, Captain, or Commander-in-Chief shall, as far as he is able, cause the same to be presently remedied; and no Person subject to this Act upon any Pretence whatever shall attempt to stir up any Disturbance, upon Pain of such Punishment as a Court-martial may think fit to inflict, according to the Degree of Offence.

Penalty for Offences against Naval Discipline not particularly mentioned.

**34.** Every Person subject to this Act who shall be guilty of any Act, Disorder, or Neglect to the Prejudice of good Order and Naval Discipline, not herein-before specified, shall be dismissed from Her Majesty's Service with Disgrace, or suffer such other Punishment as is herein-after mentioned.

Penalty for not sending to the Court of Admiralty all Papers found aboard Prize Ships.

**35.** All the Papers, Charter Parties, Bills of Lading, Passports, and other Writings whatsoever that shall be taken, seized, or found aboard any Ship or Ships which shall be taken as Prize shall be duly preserved, and the Commanding Officer of the Ship which shall take such Prize shall send the Originals entire and without Fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such Prize be lawful Capture, there to be viewed, made use of, and proceeded upon, according to Law, upon Pain that every Person offending herein shall be dismissed from Her Majesty's Service, or shall suffer such other Punishment as is herein-after mentioned, and in addition thereto shall forfeit and lose his Share of the Capture.

Penalty for taking Money or other Effects out of any Prize before the same shall be condemned.

**36.** No Person subject to this Act shall take out of any Prize or Ship seized for Prize any Money, Plate, or Goods, unless it shall be necessary for the better securing thereof, or for the necessary Use and Service of any of Her Majesty's Ships and Vessels of War, before the same be adjudged lawful Prize in some Admiralty Court; but the full and entire Account of the whole without Embezzlement shall be brought in, and Judgment passed entirely upon the whole, without Fraud, upon Pain that every Person offending herein shall be dismissed from Her Majesty's Service, with Disgrace, or suffer such other Punishment as is herein-after mentioned, and in addition thereto forfeit and lose his Share of the Capture.

**37.** If

**37.** If any Ship or Vessel shall be taken as Prize, none of the Officers, Mariners, or other Persons on board her shall be stripped of their Clothes, or in any sort pillaged, beaten, or evil intreated, upon Pain that the Person or Persons so offending shall be dismissed from Her Majesty's Service, with Disgrace, or suffer such other Punishment as is herein-after mentioned.

Penalty for stripping or ill-using Persons taken on board a Prize.

*Offences punishable by Ordinary Law.*

**38.** Every Person subject to this Act who shall be guilty of Murder shall suffer Death:

If he shall be guilty of Manslaughter he shall suffer Penal Servitude, or such other Punishment as is herein-after mentioned:

If he shall be guilty of Sodomy with Man or Beast he shall suffer Penal Servitude:

If he shall be guilty of indecent Assaults he shall suffer Penal Servitude, or such other Punishment as is herein-after mentioned:

If he shall be guilty of Robbery or Theft he shall suffer Penal Servitude, or such other Punishment as is herein-after mentioned:

If he shall be guilty of any other Criminal Offence which if committed in *England* would be punishable by the Law of *England*, he shall, whether the Offence be or be not committed in *England*, be punished either in pursuance of the First Part of this Act as an Act to the Prejudice of good Order and Naval Discipline not otherwise specified, or the Offender shall be subject to the same Punishment as might be awarded by any ordinary Criminal Tribunal competent to try the Offender, if the Offence had been committed in *England*.

Penalty for Offences punishable by ordinary Law.

**39.** For all Offences specified or referred to in this Act, if committed by any Person subject thereto in any Harbour, Haven, or Creek, or on any Lake or River, whether in or out of the United Kingdom or anywhere within the Jurisdiction of the Admiralty, or at any Place on shore out of the United Kingdom of *Great Britain* and *Ireland*, or in any of Her Majesty's Dockyards, Victualling Yards, Steam Factory Yards, or on any Gun Wharf, or in any Arsenal, Barrack, or Hospital belonging to Her Majesty, whether in or out of the said United Kingdom, the Offender may be tried and punished under this Act, and for all Offences herein-before specified under the Headings "Misconduct in the Presence of the Enemy," "Communications with the Enemy," "Neglect of Duty," "Mutiny," "Insurbordination," "Desertion and Absence without Leave," or "Miscellaneous Offences," if committed by any Person subject to this Act at any Place on shore, whether in or out of the said United Kingdom, the Offender may be tried and punished under this Act.

Offences, when punishable.

## PART II.

### General Provisions.

Power of Court-martial to find Intent with which Offence committed.

**40.** Where the Amount of Punishment for any Offence under this Act depends upon the Intent with which it has been committed, and any Prisoner is charged with having committed such Offence with an Intent involving a greater Degree of Punishment, a Court-martial may find that the Offence was committed with an Intent involving a less Degree of Punishment, and award such Punishment accordingly.

Power of Court-martial to find Prisoner guilty of lesser Offence on Charge of greater.

**41.** Where any Prisoner shall be charged with Murder, a Court-martial may find him guilty of Manslaughter or of a Common Assault; where he shall be charged with Sodomy, a Court-martial may find him guilty of an indecent Assault; where he shall be charged with Theft, a Court-martial may find him guilty of an Attempt to thieve, or of Embezzlement, or of wrongful Appropriation of Property belonging to another; and generally where any Prisoner shall be charged with any Offence under this Act he may upon Failure of Proof of the Commission of the greater Offence be found guilty of another Offence of the same Class involving a less Degree of Punishment, but not of any Offence involving a greater Degree of Punishment.

Rebels and Mutineers to be deemed Enemies.

**42.** All armed Rebels, armed Mutineers and Pirates, shall be deemed to be Enemies within the Meaning of this Act.

Power to arrest Offenders.

**43.** Every Officer in Command of One of Her Majesty's Ships may, by Warrant under his Hand, authorize any Person to arrest an Offender belonging to such Ship for any Offence against this Act mentioned in such Warrant; and any Person so authorized may use Force, if necessary, for the Purpose of effecting such Apprehension, towards any Person subject to this Act.

Penalty for not assisting in Detection of Prisoners.

**44.** Every Person subject to this Act who shall not use his utmost Endeavours to detect, apprehend, and bring to Punishment all Offenders against this Act, and shall not assist the Officers appointed for that Purpose, shall suffer Imprisonment or such other Punishment as is herein-after mentioned.

---

## PART III.

### Regulations as to Punishments.

**45.** The following Punishments may be inflicted in Her Majesty's Navy: Punishments.

(1.) Death:

(2.) Penal Servitude:

(3.) Dismissal with Disgrace from Her Majesty's Service:

(4.) Imprisonment or Corporal Punishment:

(5.) Dismissal from Her Majesty's Service:

(6.) Forfeiture of Seniority as an Officer for a specified Time, or otherwise:

(7.) Dismissal from the Ship to which the Offender belongs:

(8.) Severe Reprimand, or Reprimand:

(9.) Disrating a Subordinate or Petty Officer:

(10.) Forfeiture of Pay, Head Money, Bounty, Salvage, Prize Money, and Allowances earned by, and of all Annuities, Pensions, Gratuities, Medals, and Decorations granted to the Offender, or of any One or more of the above Particulars; also, in the Case of Desertion, of all Clothes and Effects left by the Deserter on board the Ship to which he belongs:

(11.) Such minor Punishments as are now inflicted according to the Custom of the Navy, or may from Time to Time be allowed by the Admiralty:

and each of the above Punishments shall be deemed to be inferior in Degree to every Punishment preceding it in the above Scale.

**46.** The following Regulations are hereby made with respect to the Infliction of Punishments in Her Majesty's Navy: Regulations as to Punishments.

(1.) The Admiralty may, except in case of Sentence of Death, which shall only be remitted by Her Majesty, suspend, annul, or modify any Sentence passed on any Person subject to this Act:

(2.) Judgment of Death shall not be passed on any Prisoner unless Four at least of the Officers present at the Court-martial, where the Number does not exceed Five, and in other Cases a Majority of not less than Two Thirds of the Officers present, concur in the Sentence:

(3.) The Punishment of Death shall not be inflicted on any Prisoner until the Sentence has been confirmed by the Admiralty or by the Commander in Chief on a Foreign Station:

(4.) The

(4.) The Punishment of Penal Servitude may be inflicted for the Term of Life, or for any other Term of not less than Three Years:

(5.) The Punishment of Penal Servitude shall in all Cases involve Dismissal with Disgrace from Her Majesty's Service:

(6.) Dismissal with Disgrace shall involve in all Cases a Forfeiture of all Pay, Head Money, Bounty, Salvage, Prize Money, and Allowances that have been earned by, and of all Annuities, Pensions, Gratuities, Medals, and Decorations that may have been granted to the Offender, and an Incapacity to serve Her Majesty again in any Military, Naval, or Civil Service; and may also in all Cases be accompanied by a Sentence of Imprisonment, with or without Solitary Confinement not exceeding the Periods herein-after mentioned, and with or without Hard Labour for all or any Part of the Term of Imprisonment, and with or without Corporal Punishment:

(7.) The Punishment of Imprisonment may be inflicted for any Term not exceeding Two Years; it may be accompanied with a Direction that the Prisoner shall be kept in Solitary Confinement for any Period of such Term not exceeding Fourteen Days at any One Time, and not exceeding Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than the Periods of Solitary Confinement, and when the Imprisonment awarded exceeds Eighty-four Days, the Solitary Confinement shall not exceed Seven Days in any Twenty-eight Days of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods, and the Punishment of Imprisonment may also be accompanied with a Direction that the Prisoner shall be kept to Hard Labour for all or any Part of the Term of Imprisonment, or any such Direction may apply either to Solitary Confinement or Hard Labour only, and Corporal Punishment may be awarded in addition to any Sentence of Imprisonment, whether such Imprisonment is or is not to be accompanied with Solitary Confinement and Hard Labour, or either of them: In any Case of Corporal Punishment not more than Forty-eight Lashes shall be inflicted:

(8.) No Officer shall be subject to Corporal Punishment: No Petty or Non-commissioned Officer shall be subject to Corporal Punishment, except in case of Mutiny:

All other Punishments authorized by this Act may be inflicted in the Manner heretofore in use in the Navy.

47. No

**47.** No Person, unless he be an Offender who has avoided Apprehension or fled from Justice, shall be tried or punished in pursuance of this Act for any Offence committed by him unless such Trial shall take place within Three Years from the Commission of such Offence, or within One Year after the Return of such Offender to the United Kingdom, where he has been absent from the United Kingdom during such Period of Three Years. Limitation of Time as to Trials.

**48.** Subject to the foregoing Regulations, where any Punishment is specified by this Act as the Penalty for any Offence, and it is further declared that another Punishment may be awarded in respect of the same Offence, the Expression "other Punishment" shall be deemed to comprise any One or more of the Punishments inferior in Degree to the specified Punishment, according to the Scale herein-before mentioned; but Corporal Punishment shall be deemed equal in Degree to Imprisonment, and may in all Cases, subject to the foregoing Regulations, be inflicted as a Substitute for or in addition to Imprisonment. Scale of Punishment.

**49.** Any Offence triable under this Act may be tried and punished by Court-martial; and any Offence triable under this Act, not committed by an Officer, and not hereby made Capital, may, under such Regulations as the Admiralty may from Time to Time issue, be summarily tried and punished by the Officer in Command of the Ship to which such Offender belongs, subject to the following Restrictions; (that is to say,) Authorities having Power to try Offences.

(1.) The Commanding Officer shall not have Power to award the Punishment of Penal Servitude:

(2.) The Commanding Officer shall not have Power to sentence any Man, except a Deserter, or Man absent without Leave, to Imprisonment for a longer Period than Twenty-eight Days, nor to sentence a Deserter to Imprisonment for a longer Period than Three Calendar Months, nor a Man absent without Leave to Imprisonment for a longer Period than Six Weeks, nor to award Solitary Confinement for more than Seven Days at a Time with Intervals of not less than Seven Days between each Period of Solitary Confinement:

(3.) Except in case of open Mutiny, no Man shall be sentenced by the Commanding Officer to Corporal Punishment until his Offence has been inquired into by One or more Officers appointed by such Commanding Officer, and his or their Opinion as to the Guilt or Innocence of the Prisoner reported to such Commanding Officer, and the Commanding Officer shall thereupon act as according to his Judgment may seem right.

## PART IV.

### COURTS-MARTIAL.

*Constitution of Courts-martial.*

Constitution of Courts-martial.

**50.** The following Regulations are hereby made with respect to Courts-martial:

(1.) A Court-martial shall consist of not less than Five nor more than Nine Officers:

(2.) No Officer shall be qualified to sit as a Member of any Court-martial held in pursuance of this Act unless he be a Flag Officer, Captain, Commander, or Lieutenant of Her Majesty's Navy on Full Pay:

(3.) A Court-martial shall not be held unless at least Three of Her Majesty's Ships, not being Tenders, and not commanded by Officers under the Rank of Lieutenant, are together at the Time when such Court-martial is held:

(4.) No Officer shall sit on a Court-martial who is under Twenty-one Years of Age:

(5.) No Court-martial for the Trial of a Flag Officer shall be duly constituted unless the President is a Flag Officer, and the other Officers composing the Court are of the Rank of Captain, or of higher Rank:

(6.) No Court-martial for the Trial of a Captain in Her Majesty's Navy shall be duly constituted unless the President is a Captain or of higher Rank, and the other Officers composing the Court are Commanders or Officers of higher Rank:

(7.) No Court-martial for the Trial of any Person below the Rank of Captain in Her Majesty's Navy shall be duly constituted, unless the President is a Captain or of higher Rank, nor unless in addition to the President there are Two other Members of the Court of the Rank of Commander or of higher Rank:

(8.) The Prosecutor shall not sit on any Court-martial for the Trial of a Prisoner whom he prosecutes:

(9.) The Admiralty shall have Power to order Courts-martial to be held for the Trial of Offences under this Act, and to grant Commissions to any Officer of Her Majesty's Navy on Full Pay authorizing him to order Courts-martial to be held for the Trial of such Offences:

(10.) An Officer holding a Commission from the Admiralty to order Courts-martial shall not be empowered to do so if there is present at the Place where such Court-martial is to be held any Officer superior in Rank to himself, although such last-mentioned Officer may not hold a Commission to order Courts-martial; and in such a Case such last-mentioned

mentioned Officer may order a Court-martial, although he does not hold any Commission for the Purpose:

(11.) If any Officer holding a Commission from the Admiralty to order Courts-martial, having the Command of a Fleet or Squadron, and being in Foreign Parts, die, be recalled, leave his Station, or be removed from his Command, the Officer upon whom the Command of the Fleet or Squadron devolves, and so from Time to Time the Officer who shall have the Command of the Fleet or Squadron, shall, without any Commission from the Admiralty, have the same Power to order Courts-martial as the first-mentioned Officer was invested with:

(12.) If any Officer holding a Commission from the Admiralty to order Courts-martial, and having the Command of any Fleet or Squadron of Her Majesty's Ships in Foreign Parts, shall detach any Part of such Fleet or Squadron, he may, by Commission under his Hand, empower the Commanding Officer of the Squadron or Detachment ordered on such separate Service, and in case of his Death or ceasing so to command the Officer to whom the Command of such separate Squadron or Detachment shall belong, to order Courts-martial during the Time of such separate Service, or until such Authority shall be revoked, or until the Officer commanding the Detachment shall come under the Command of another superior Officer, or shall return to the United Kingdom:

(13.) The Officer ordering a Court-martial shall not sit thereon:

(14.) The President of every Court-martial shall be named by the Authority ordering the same, or by any Officer empowered by such Authority to name the President:

(15.) No Commander or Lieutenant shall be required to sit as a Member of any Court-martial when Four Officers of a higher Rank and junior to the President can be assembled at the Place where the Court-martial is to be holden; and when any Commander or Lieutenant sits at any Court-martial the Members of it shall not exceed Five in Number:

(16.) Subject to the foregoing Regulations, whenever a Court-martial shall be held the Officer appointed to preside thereat shall summon all the Officers next in Seniority to himself present at the Place where the Court-martial shall be held to sit thereon, until the Number of Nine, or such Number, not less than Five, as is attainable, is complete; subject to this Proviso, that the Admirals and Captains, being Superintendents of Her Majesty's Dockyards, shall not be summoned to sit on Courts-martial unless specially directed to do so by Orders from the Admiralty.

*Proceedings*

*Proceedings of Courts-martial.*

Sittings of Courts-martial.

**51.** A Court-martial held in pursuance of this Act shall sit from Day to Day, with the Exception of *Sundays*, until Sentence is given, and its Proceedings shall not be delayed by the Absence of any Member, so that not less than Five are present; and no Member shall absent himself unless compelled so to do by Sickness or other just Cause, to be approved of by the other Members of the Court; and if any Member of a Court-martial shall absent himself therefrom, in contravention of this Section, he shall be dismissed from Her Majesty's Service, or shall suffer such other Punishment as may be awarded by a Court-martial.

Appointment of officiating Judge Advocate.

**52.** In the Absence of a Judge Advocate or his Deputy, the Officer who is to be the President of the Court-martial may appoint any Person to officiate as Judge Advocate at the Trial; and the Judge Advocate of any Fleet for the Time being, or his Deputy, or the Person officiating as Judge Advocate, herein-after included under the Term "the Judge Advocate," shall administer an Oath to every Witness appearing at the Trial.

Proceedings at Trial.

**53.** As soon as the Court is assembled, the Names of the Officers composing the Court shall be read over to the Prisoner, who shall be asked if he objects to being tried by any Member of the Court. If the Prisoner shall object to any Member, the Objection shall be decided by the Court. If the Objection shall be allowed, the Place of the Member objected to shall be filled up by the Officer next in Seniority who is not on the Court-martial, subject to the Regulations herein-before contained.

Oaths to be administered to Members of Courts-martial.

**54.** Before the Court shall proceed to try the Prisoner, the Judge Advocate shall administer to every Member of the Court the following Oath; that is to say,

'I do swear, That I will duly administer Justice according to Law, without Partiality, Favour, or Affection; and I do further swear, that I will not on any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of this Court-martial, unless thereunto required in due Course of Law. So help me GOD.'

Oath to be administered to Judge Advocate, &c.

**55.** As soon as the said Oath shall be administered to the Members of the Court-martial, the President shall administer to the Judge Advocate the following Oath:

'I do swear, That I will not upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless thereunto required in due Course of Law. So help me GOD.'

**56.** Every

**56.** Every Person, Civil, Naval, and Military, who may be required to give Evidence before a Court-martial, shall be summoned by the Judge Advocate; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Court, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who make default in attending on such Courts, or attending refuse to be sworn or make Affirmation, or being sworn or having made Affirmation refuse to give Evidence, or to answer all such Questions as the Court may legally demand of them, or prevaricate in giving their Evidence, shall, upon Certificate thereof under the Hand of the President of such Court-martial, be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness after having been duly summoned and subpœnaed had neglected to attend on a Trial in any Proceeding in the Court in which such Complaint is made, or had refused to be sworn, or on being sworn had refused to give Evidence, or to answer all such Questions as the Court may legally demand, or had prevaricated in giving Evidence, or if the Court-martial shall think fit, in case any such Person belong to Her Majesty's Navy, being called upon to give Evidence at any Court-martial, shall refuse or neglect to attend to give his Evidence upon Oath or Affirmation, or shall prevaricate in his Evidence, or behave with Contempt to the Court, such Court-martial may punish every such Offender by Imprisonment not longer than Three Months, in case of such Refusal, Neglect, or Prevarication, nor longer than One Month in the Case of such Contempt; and every Person not subject to this Act who may be so summoned to attend shall be allowed and paid his reasonable Expenses, under the Authority of the Admiralty, for such Attendance.

Summoning Witnesses.

**57.** Every Person who, upon any Examination upon Oath or upon Affirmation, before any Court-martial held in pursuance of this Act,

Penalty on Persons giving false Evidence.

Act, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Where Persons are insane at the Time of Offence or Trial.

**58.** Where it shall appear upon the Trial by Court-martial of any Person charged with an Offence that such Person is insane, the Court shall find specially the Fact of his Insanity, and shall order such Person to be kept in strict Custody in such Place and in such Manner as to the Court shall deem fit, until the Directions of the Admiralty thereupon are known; and it shall be lawful for the Lords of the Admiralty to give Orders for the safe Custody of such Person during Her Majesty's Pleasure, in such Place and in such Manner as they shall think fit.

Report of Proceedings of Courts-martial.

**59.** Every Judge Advocate, or Person officiating as Judge Advocate, shall transmit with as much Expedition as may be the original Proceedings and Sentence of every Court-martial attended by him to the Commander-in-Chief or senior Officer, who shall transmit them to the Secretary of the Admiralty for the Time being, and any Person tried by a Court-martial shall be entitled, on Demand, to a Copy of such Proceedings and Sentence, at any Time not sooner than Six Months after the Trial if the same takes place in the *Mediterranean*, Three Months if at any other Naval Station within *Europe*, and Twelve Months if elsewhere, (upon Payment for the same at the Rate of Fourpence *per* Folio of Seventy-two Words,) but no such Demand shall be allowed after the Space of Three Years from the Date of the final Decision of such Court-martial.

## PART V.

### Penal Servitude and Prisons.

*Penal Servitude.*

Sentence of Penal Servitude.

**60.** Whenever any Sentence of Death shall be commuted for Penal Servitude, or whenever Sentence of Penal Servitude shall be passed upon any Offender by any Court-martial, and such Sentence, or any Part thereof, is intended to be carried into effect, the Admiralty shall cause the same to be notified in Writing to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender, upon the Terms and for the Time specified in such Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is or may be authorized to make or do by any Statute or Statutes in

in force at the Time of making any such Order in relation to Penal Servitude of Offenders sentenced by Courts of Criminal Jurisdiction to Penal Servitude; and such Order and other Acts to be so made and done as aforesaid shall be obeyed and executed by such Person in whose Custody such Offender may at that Time be, and by all other Persons whom it may concern, and shall be as effectual and have all the same Consequences as any Order made under the Authority of any Statute relating to Penal Servitude with respect to any Offender in such Statute mentioned, and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, and be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as they would be if the same had been made under the Authority of any such Statute; and every Person so ordered to be kept in Penal Servitude shall be subject to all the Penalties and Provisions made by Law, and in force for the Time being, concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on Condition of Penal Servitude; and from the Time when such Order of Penal Servitude is made, every Law in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge or Baron who makes an Order for Penal Servitude as aforesaid shall direct the Notification of the Admiralty, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench, and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or the Admiralty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude was made, and such Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

**Disposal of Offender after Sentence of Penal Servitude.**

**61.** When any Sentence of Death shall have been commuted for Penal Servitude, or when any Person subject to this Act shall have been condemned to Penal Servitude, it shall be lawful for the Admiralty,

Admiralty, or any Commander-in-Chief on any Foreign Station, or the Commanding Officer of the Ship to which such Person belongs or has belonged, to cause him to be detained and conveyed to any One of Her Majesty's Ships, or any Gaol or Prison, there to remain in safe Custody until he is removed therefrom by the Order of the Admiralty or any such Commander-in-Chief or other due Authority, or under an Order for his Penal Servitude, to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid, and a Certificate of his Sentence (such Certificate to be signed by the Secretary of the Admiralty, or by any such Commander-in-Chief, or such Commanding Officer) shall be a sufficient Authority to the Commanding Officer of the Ship to which he may be sent, or to the Governor, Keeper, or Superintendent of the Gaol or Prison, to receive and detain him.

Subsistence of Offender.

**62.** In case any such Offender shall be conveyed to any Prison, not being a Naval Prison appointed by virtue of this Act, an Allowance such as the Admiralty shall from Time to Time direct shall be made to the Governor, Keeper, or Superintendent of the Gaol or Prison, for the Subsistence of such Offender during his Detention therein, and such Allowance shall be paid by Order of the Admiralty, upon Production by the said Governor, Keeper, or Superintendent of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender has been so detained and subsisted in such Gaol or Prison.

Imprisonment of Offender already under Sentence for previous Offence.

**63.** Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence either of Imprisonment or of Penal Servitude, passed upon him by a Court-martial for a former Offence, the Court may award Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude to which he has been previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude may exceed the Term for which either of those Punishments could be otherwise awarded.

*Prisons.*

Term and Place of Imprisonment.

**64.** Every Term of Penal Servitude or of Imprisonment in pursuance of this Act shall be reckoned as commencing on the Day on which the Sentence was awarded, and the Place of Imprisonment, whether the Imprisonment was awarded as an original or as a commuted Punishment, shall be such Place as may be appointed by the Court or the Commanding Officer awarding the Punishment, or which may from Time to Time be appointed by the Admiralty, or by the Commander-

Commander-in-Chief on any Foreign Station, and may be One of the Naval Prisons appointed under this Act, or any Common Gaol, House of Correction, or Military Prison within Her Majesty's Dominions.

**Place of Imprisonment may be changed, &c.**

**65.** Whenever it is deemed expedient it shall be lawful for the Admiralty or any such Commander-in-Chief, by any Order in Writing, from Time to Time to change the Place of Confinement of any Offender imprisoned or sentenced to be imprisoned or detained in pursuance of this Act, and the Gaoler or other Person having the Custody of such Offender shall immediately on the Receipt of such Order remove such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order, or shall deliver him over to Naval Custody for the Purpose of the Offender being removed to such Prison; and every Gaoler or Keeper of such last-mentioned Prison, Gaol, or House of Correction shall, upon being furnished with a Copy of such Order of Removal, attested by the Secretary of the Admiralty for the Time being, receive into his Custody and shall confine pursuant to such Sentence or Order every such Offender.

**Expenses of Removal or Subsistence of Prisoners.**

**66.** The Gaoler or other Person removing any Offender in pursuance of such Order shall be allowed for the Charges of such Removal a Sum not exceeding One Shilling a Mile, and when any Offender is not confined in a Naval Prison the Gaoler or other Person in whose Custody any such Offender may be shall receive such an Allowance as the Admiralty shall from Time to Time direct for every Day that such Offender is in his Custody, to be applied towards his Subsistence, and such Sum shall be paid to the said Gaoler or other Person under the Authority of the Admiralty, upon the Application in Writing made to the Secretary of the Admiralty by any Justice for the County or Place in which such Gaol, Prison, or House of Correction shall be situate, with a Copy of the Sentence or Order under which the Prisoner is confined.

**Proviso for Discharge or Removal of Prisoners.**

**67.** Whenever any Prisoner is undergoing Imprisonment in pursuance of this Act, it shall be lawful for the Admiralty, or any Commander-in-Chief on any Foreign Station, or where an Offender has been imprisoned by Order of his Commanding Officer, for such Commanding Officer, or the Admiralty or any such Commander-in-Chief, to give an Order in Writing directing that the Prisoner be discharged; and it shall also be lawful for the Admiralty or any such Commander-in-Chief, and any Officer commanding any of Her Majesty's Ships, by Order in Writing, to direct that any such Prisoner be delivered over to Naval Custody for the Purpose of being brought before a Court-martial, either as a Witness, or for

Trial or otherwise, and such Prisoner shall accordingly, on the Production of any such Order, be discharged, or be delivered over to such Custody.

Proviso as to Time of Detention in Naval Custody.

**68.** The Time during which any Prisoner under Sentence of Imprisonment is detained in Naval Custody shall be reckoned as Imprisonment under his Sentence, for whatever Purpose such Detention takes place; and the Governor, Gaoler, Keeper, or Superintendent who shall deliver over any such Prisoner shall again receive him from Naval Custody, so that he may undergo the Remainder of his Punishment.

In case of Insanity Prisoners to be removed to some Lunatic Asylum.

**69.** If any Person imprisoned by virtue of this Act shall become insane, and a Certificate to that Effect shall be given by Two Physicians or Surgeons, the Admiralty shall, by Warrant, direct the Removal of such Person to such Lunatic Asylum or other proper Receptacle for insane Persons in the United Kingdom as they may judge proper, for the unexpired Term of his Imprisonment; and if any such Person shall in the same Manner be certified to be again of sound Mind, the Admiralty may issue a Warrant for his being removed to such Prison or Place of Confinement as may be deemed expedient, to undergo the Remainder of his Punishment, and every Gaoler or Keeper of any Prison, Gaol, or House of Correction shall receive him accordingly.

Admiralty may set apart Buildings and Ships as Naval Prisons.

**70.** The Admiralty may set apart any Buildings or Vessels, or any Parts thereof, as Naval Prisons, and any Buildings or Vessels, or Parts of Buildings or Vessels, so set apart, shall be deemed to be Naval Prisons within the Meaning of this Act, and all Powers and Authorities with respect to County Gaols or Houses of Correction, which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State, shall, with respect to all such Naval Prisons, belong to the Admiralty; and it shall be lawful for the Admiralty from Time to Time to make, alter, and repeal Regulations for the Government and Superintendence of any such Naval Prison, and of the Officers and Servants thereof, and of Offenders confined therein, and from Time to Time to appoint Inspectors and all other necessary Officers and Servants for any such Naval Prison, and, as Occasion may arise, to remove the Inspectors, Officers, or Servants of any such Naval Prison; and the senior Officer at any Port or Place or on any Station where there may be any such Naval Prison, or such senior Officer and such other Person and Persons as the Admiralty may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and every Inspector, Visitor, or Officer, having the Charge or Command of any such Naval Prison respectively, shall, subject to such Rules and Regulations as may from Time

Time to Time be made as aforesaid, have and exercise, in respect of such Prison, and of the Officers and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

**71.** If any Person shall convey or cause to be conveyed into any such Naval Prison any Arms, Tools, or Instruments, or any Mask or other Disguise to facilitate the Escape of any Prisoner, or by any Means whatever shall aid any Prisoner to escape or in an Attempt to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years, or suffer Penal Servitude for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds; and if any Person shall bring into such Prison, or to or for any Prisoner, without the Knowledge of the Officer having Charge or Command thereof, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or by Desire of any Prisoner, without the Sanction of the said Officer, shall carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and if any Person shall interrupt any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person to assault, resist, or interrupt any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or if the Offender be a Prisoner he shall, upon Conviction thereof before Two Justices of the Peace, or not less than Three of the Visitors of the Prison, be liable to be sentenced for every such Offence to be imprisoned, either with or without Hard Labour, and with or without Solitary Confinement, for any Time not exceeding Six Calendar Months, in addition to so much of the Time for which he was originally sentenced as may be then unexpired, and every Penalty which may be incurred under this Section shall be recoverable in a summary Manner; and such Two Justices or Three Visitors are hereby authorized to issue Warrants of Distress and Sale of the Offender's Goods, and every such Penalty shall be applied as the Admiralty shall direct, any Law, Statute, Charter, or Custom to the contrary notwithstanding.

**72.** Every

Penalty as regards Gaolers, &c.

**72.** Every Governor, Gaoler, and Keeper of any Prison, Gaol, or House of Correction, and every Officer having the Charge or Command of any Place, Ship, or Vessel for Imprisonment, who shall, without lawful Excuse, refuse or neglect to receive or confine, remove, discharge, or deliver up any Offender against the Provisions of this Act or any of them, shall incur for every such Refusal or Neglect a Penalty not exceeding One hundred Pounds, to be recovered in a summary Manner before Two Justices of the Peace; and such Two Justices are hereby authorized to issue Warrants of Distress and Sale of the Offender's Goods, and every such Penalty shall be applied as the Admiralty shall direct, any Law, Statute, Charter, or Custom to the contrary notwithstanding.

Pay to be stopped during Imprisonment, &c.

**73.** During the Imprisonment of any Person in pursuance of this Act all Pay and Wages of the Prisoner shall be suspended and stopped.

## PART VI.

### Supplemental Provisions.

Short Title.

**74.** This Act may be cited for all Purposes as "The Naval Discipline Act, 1861."

Commencement of Act.

**75.** This Act shall be in force within the United Kingdom; and as regards the United Kingdom "The Naval Discipline Act, 1860," shall be repealed from and after One Calendar Month from the passing hereof; and as regards elsewhere, this Act shall be in force, and "The Naval Discipline Act, 1860," shall be repealed, from and after Four Calendar Months from the passing hereof.

Definition of Terms.

**76.** In the Construction of this Act, unless there be something in the Context or Subject Matter repugnant to or inconsistent with such Construction—

"Admiralty," or "the Lords of the Admiralty," shall mean the Lord High Admiral for the Time being of the United Kingdom of *Great Britain* and *Ireland*, and when there shall be no such Lord High Admiral in Office, any Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom:

"Officer" shall mean an Officer belonging to One of Her Majesty's Ships, and shall include a subordinate and a Warrant Officer, but shall not extend to Petty and Non-commissioned Officers:

When

When the Words "Superior Officer" are used in this Act they shall be held to include all Officers, including Petty and Non-commissioned Officers.

**77.** Every Person in or belonging to Her Majesty's Navy, and borne on the Books of any One of Her Majesty's Ships in Commission, shall be subject to this Act; and all other Persons hereby made liable thereto, and all Spies, shall be triable and punishable under the Provisions of this Act.

Persons subject to this Act.

**78.** Her Majesty's Land Forces, when embarked on board any of Her Majesty's Ships, shall be subject to the Provisions of this Act, to such Extent and under such Regulations as Her Majesty, Her Heirs and Successors, by any Order or Orders in Council, shall at any Time or Times direct.

Land Forces embarked as Passengers.

**79.** All other Persons ordered to be received or being Passengers on board any of Her Majesty's Ships shall be deemed to be Persons subject to this Act, under such Regulations as the Admiralty may from Time to Time direct.

Other Persons embarked as Passengers.

**80.** When any One of Her Majesty's Ships shall be wrecked or lost or destroyed, or taken by the Enemy, such Ship shall, for the Purposes of this Act, be deemed to remain in Commission until her Crew shall be regularly removed into some other of Her Majesty's Ships of War, or until a Court-martial shall have been held, pursuant to the Custom of the Navy in such Cases, to inquire into the Cause of the Wreck, Loss, Destruction, or Capture of the said Ship.

Crews of Ships lost or destroyed.

**81.** When no specific Charge shall be made against any Officer or Seamen for or in respect or in consequence of such Wreck, Loss, Destruction, or Capture, it shall be lawful to try all the Officers and Crew or all the surviving Officers and Crew of any such Ship, together, before One and the same Court, and to call upon all or any of them when upon their Trial to give Evidence on Oath or Affirmation before the Court touching all or any of the Matters then under Inquiry, but no Officer or Seaman shall be obliged to give any Evidence which may tend to criminate himself.

All the Officers and Crew of lost Ship may be tried by One Court,

**82.** When deemed necessary by the Admiralty, or any Officer authorized to order Courts-martial, separate Courts-martial shall be held for the Trial of some One or more of such Officers and Crew for or in respect or in consequence of the Wreck, Loss, Destruction, or Capture of any such Ship.

or by separate Courts.



**83.** For

For subsequent Offence, separate Court.

**83.** For any Offence or Offences committed by any Officer or Seaman, or Officers and Seamen, after the Wreck, Loss, Destruction, or Capture of any such Ship, a separate Court-martial shall be held for the Trial of such Offender or Offenders.

Pay of Crews of Ships lost or taken.

**84.** When any Ship of Her Majesty shall be wrecked, lost, or otherwise destroyed, or taken by the Enemy, if it shall appear by the Sentence of a Court-martial that the Crews of such Ship did, in the Case of a Ship wrecked or lost, do their utmost to save her or get her off, and in the Case of a Ship taken by the Enemy did their utmost to defend themselves, and that they have, since the Wreck, Destruction, Loss, or Capture of such Ship, behaved themselves well, and been obedient to their Officers, then all the Pay of such Crews or of such Portions of such Crews as have behaved themselves well, and been obedient to their Officers, shall be continued until the Time of their being discharged or removed into other Ships of Her Majesty, or dying.

When Ship of senior Officer is lost he may dispose of Officers and Crew of lost Ship.

**85.** If the Ship of any Officer ordered to command any Two or more of Her Majesty's Ships shall be wrecked, lost, or otherwise destroyed, such Officer shall continue in the Command of any Ship or Ships which at the Time of his Ship being wrecked, lost, or destroyed was or were under his Command, and it shall be lawful for such Officer to order the surviving Officers and Crew of the wrecked, lost, or destroyed Ship to join any other Ship under his Command, or to distribute them among the other Ships under his Command, if more than One, and such Officer shall, until he meets with some other Officer senior to himself, have the same Power and Authority in all respects as if his Ship had not been wrecked, lost, or destroyed.

## PART VII.

### Saving Clause.

Trial of Offences against repealed Acts.

**86.** Any Person who has committed or may commit, before this Act comes into force, any Offence against "The Naval Discipline Act, 1860," or any of the Acts or Portions of Acts thereby repealed, for which such Person has not been tried before this Act comes into force, shall be tried and punished under this Act as if such Crime or Offence had been committed against the same, but he shall not suffer any greater Punishment than he was liable to under "The Naval Discipline Act, 1860," or any of the Acts or Portions of Acts thereby repealed;

repealed; and any Proceedings of any Court-martial, or any other Proceedings under "The Naval Discipline Act, 1860," which may be pending when this Act comes into force, shall be continued, and the Offender, if found guilty, shall be punished as if the Act against which he offended had not been repealed.

Reservation of Power of Admiralty.

**87.** Nothing in this Act shall prejudice or affect the Right of the Admiralty to discharge any Person subject to this Act from Her Majesty's Service.

Act not to supersede Authority of ordinary Courts.

**88.** Nothing in this Act contained shall be deemed or taken to supersede or affect the Authority or Power of any Court or Tribunal of ordinary Civil or Criminal Jurisdiction, or any Officer thereof, in Her Majesty's Dominions, in respect of any Offence mentioned in this Act which may be punishable or cognizable by the Common or Statute Law.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

"Dean and Canons," were discharged from the Charge of maintaining the said Knights: And whereas no permanent Provision was made for the said Knights by King *Edward* the Fourth, but subsequently thereto, and in the First Year of the Reign of Queen *Elizabeth*, Trusts were created of certain Lands then vested in the said Dean and Canons by virtue of a Conveyance thereof previously made, and by the Indenture creating such Trusts, after estimating the annual Value of such Lands at Six hundred and sixty-one Pounds Six Shillings and Eightpence, and stating it to have been the Intention of the Crown to whom the said Lands belonged to make by the First Conveyance a special Foundation and Continuance of the said Knights, it was declared that Four hundred and thirty Pounds, Part of the Income of the said Lands, should be appropriated, amongst other things, to the Payment of Twelvepence *per* Day for the Maintenance of the said Knights, and to providing them with certain Liveries, to the Intent that they might make a decent Appearance before their Sovereign, while the Dean and Canons were authorized to apply to their own Use the Residue of the said Income, amounting to Two hundred and thirty-one Pounds Six Shillings and Eightpence: And whereas the annual Income of the said Land has increased from the said Sum of Six hundred and sixty-one Pounds Six Shillings and Eightpence to about Fourteen thousand Pounds, but no Increase has been made in the Sums allowed to the said Knights: And whereas in pursuance of divers Acts of Parliament Eight Canonries in the said Collegiate Chapel of *Saint George* are suspended, and One Fourteenth Part of the whole Monies of the said Chapel are paid in respect of each suspended Canonry to the Ecclesiastical Commissioners, and carried over by them to their Common Fund: And whereas it is expedient that there should be made out of the Revenues of the suspended Canonries such Augmentation of the Salaries of the said Knights as would appear to be just, having regard to the Difference that has occurred in the Value of Money and in the annual Income of the said Lands since the Trusts were created, apportioning such Income in manner herein-before mentioned: And whereas the Town of *Windsor* is very populous, and insufficient Means are provided for the Cure of Souls therein; and it is expedient that out of other Part of the Revenues of the said suspended Canonries an Addition should be made to the Endowments of the Churches in *Windsor*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appropriation of Profits of Seventh

1. The Dean and Canons of *Windsor* shall henceforth retain all such Share of divisible Revenues as would if this Act had not passed have

have been payable to the Ecclesiastical Commissioners in respect of the Canonry seventhly suspended under the Acts herein-before in that Behalf mentioned, and shall apply the same for the Benefit of the Military Knights on the Upper or Royal Foundation of the Castle at *Windsor*, in such Manner as Her Majesty may by Warrant under Her Sign Manual direct.

Canonry to Military Knights.

2. The said Dean and Canons shall likewise retain all such Share of divisible Revenues as would if this Act had not passed have been payable to the Ecclesiastical Commissioners in respect of the Canonry eighthly suspended under the Act herein-before in that Behalf mentioned, and shall apply the same as follows; that is to say, shall pay Three Fifths thereof to the Vicar for the Time being of the Royal Borough of *Windsor*, and the remaining Two Fifths to the Perpetual Curate of the District Church of the *Holy Trinity* in *Windsor*, in augmentation of their respective Benefices.

Appropriation of Profits of Eighth Canonry to Incumbent of Churches.

3. The Amount of the Share of divisible Revenues to be retained by the said Dean and Canons for the Purposes of this Act in respect of each of the said Canonries seventhly and eighthly suspended shall equal the Amount paid by them to the Ecclesiastical Commissioners in respect of each of the Six other suspended Canonries, and the Acceptance of such last-mentioned Amount by the Ecclesiastical Commissioners shall be conclusively binding on the Parties beneficially interested under this Act in the Proceeds of the said seventhly and eighthly suspended Canonries.

Mode of ascertaining Amount of Payments to be retained.

4. Whereas it is now necessary that the Poor Knights of *Windsor*, of the Foundation of *Samuel Travers*, Esquire, should be superannuated or disabled Lieutenants of *English* Men-of-War: And whereas it is expedient that Lieutenants being or who may be such Knights, and who may succeed to the Rank of Retired Commander, shall nevertheless remain and continue such Knights: It is therefore hereby enacted, That Lieutenants being or who may at any Time or Times hereafter become such Knights, and who may succeed to the Rank of Retired Commander, shall notwithstanding be continued and remain such Poor Knights as if they had not succeeded to such Rank; and upon any such Lieutenants being nominated such Knights, and complying with the Regulations otherwise in force, they shall be such Knights for all Intents and Purposes whatsoever, and the said Poor Knights shall henceforth be styled Naval Knights.

Lieutenants succeeding to Rank of Retired Commander shall continue Poor Knights.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CXVII.

### An Act to place the Employment of Women, young Persons, Youths, and Children in Lace Factories under the Regulations of the Factories Acts.

[6th *August* 1861.]

WHEREAS it is expedient to regulate the Employment of Females, young Persons, Youths, and Children in Lace Factories, and to provide for the Education of such Children: And whereas an Act was passed in the Fourth Year of His late Majesty, intituled *An Act to regulate the Labour of Children and young Persons in Mills and Factories in the United Kingdom:* And whereas an Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Labour in Factories:* And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to limit the Hours of Labour of young Persons and Females in Factories:* And whereas an Act was passed in the Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to Labour in Factories:* And whereas an Act was passed in the Seventeenth Year of the Reign of Her present Majesty, intituled *An Act further to regulate the Employment of Children in Factories:* And whereas an Act was passed in the Twentieth Year of the Reign of Her present Majesty, intituled *An Act for the further*

3 & 4 W. 4. c. 103.
7 & 8 Vict. c. 15.
10 & 11 Vict. c. 29.
13 & 14 Vict. c. 54.
16 & 17 Vict. c. 104.
19 & 20 Vict. c. 83.

*further Amendment of the Laws relating to Labour in Factories:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts to apply to Lace Factories, and to the Employment of Females, young Persons, Youths, and Children therein.

1. That from and after the First Day of *August* One thousand eight hundred and sixty-two the Powers and Provisions of the herein-before recited Acts shall apply and be held to apply to Lace Factories, and to the Employment of Females, young Persons, Youths, and Children in Lace Factories, to all Intents and Purposes as completely and effectually as if such Lace Factories had been mentioned and included in the Provisions of the herein-before recited Acts or any of them, except as is herein-after mentioned.

Youths between the Age of Sixteen and Eighteen may be employed between 4 a.m. and 10 p.m., but not more than Nine Hours between those Hours.

2. Nothing in the said recited Acts contained, or in this Act, shall be held to prevent the Employment in any Lace Factory of any Youth of the Age of Sixteen and under Eighteen, between the Hours of Four of the Clock in the Morning and Ten of the Clock at Night; provided nevertheless, that if any such Youth shall be employed earlier than Six of the Clock in the Morning or later than Six of the Clock in the Evening of any Day, in every such Case it shall not be lawful to employ such Youth for a longer Period than Nine Hours on such Day; and provided also, that it shall not be lawful to employ any Youth both earlier than Six of the Clock in the Morning and later than Six of the Clock in the Evening of the same Day, nor to employ any Youth both later than Six of the Clock in the Evening of any Day and earlier than Six of the Clock in the Morning of the next succeeding Day; and in every such Case the Owner of the Lace Machine, or if such Machine is let out for Hire the Person hiring such Machine, in or about or in immediate Connexion with which such Youth shall have been so employed, shall, every Day except *Sundays*, before Twelve of the Clock at Noon, register or cause to be registered in a Book, first approved of by an Inspector, in the Form given in Schedule A. to this Act annexed, the Hours within which every such Youth shall severally have been employed during the Working Day last passed.

Agents or Workmen may be summoned for acting contrary to the Act without the Knowledge of the Owner, &c.

3. If any Offence shall be committed against this Act, for which the Owner or the Hirer of any Lace Machine is hereby made responsible, and it shall be made to appear to the Satisfaction of any Justices that the Offence has been committed by or under the Authority of some Agent, Servant, or Workman of the Owner or Hirer of such Machine, without the personal Consent, Concurrence, or Knowledge of such Owner or Hirer, it shall be lawful for such Justices to summon such Agent, Servant, or Workman before them to

to answer for such Offence; and such Agent or Servant or Workman, if convicted, shall be liable to the Penalties and Punishment for such Offence specified in the said recited Acts, and such Justices may convict such Agent or Servant or Workman in lieu of such Owner or Hirer.

**Interpretation of Terms.**

**4.** In the Construction of this Act, the Word "Lace Factories" shall be understood to mean Factories in which Machines for the Manufacture of Lace are moved by Steam or Water Power; and the Word "Lace Machine" shall be taken to mean a Lace Machine moved by Steam or Water Power; and the Words "Agent," "Servant," and "Workman," shall be taken to mean any Person receiving a Salary, Wages, Payment, or Remuneration for any Description of Service or Work performed in or about or in immediate Connexion with any such Machine; and no Agent, Servant, Workman, or other Person employed upon the dressing or finishing of Lace, or upon any other Process subsequent to the making of Lace upon the Lace Machine, shall be deemed to be included within the Provisions of this Act; and the Words "young Person" shall be taken to mean a Female of Thirteen and under Eighteen Years of Age, and a Male of Thirteen and under Sixteen Years of Age; and the Word "Youth" shall be taken to mean a Male of Sixteen and under Eighteen Years of Age.

**Certain Provisions of recited Acts not to extend to Lace Factories;**

**5.** The Provisions of the said recited Acts, so far as they relate to the Recovery of lost Time, shall not extend to Lace Factories.

**nor those relating to fencing Machinery.**

**6.** The Provisions of the said recited Acts in regard to requiring Machinery to be fenced off shall not extend to Lace Factories.

SCHE-

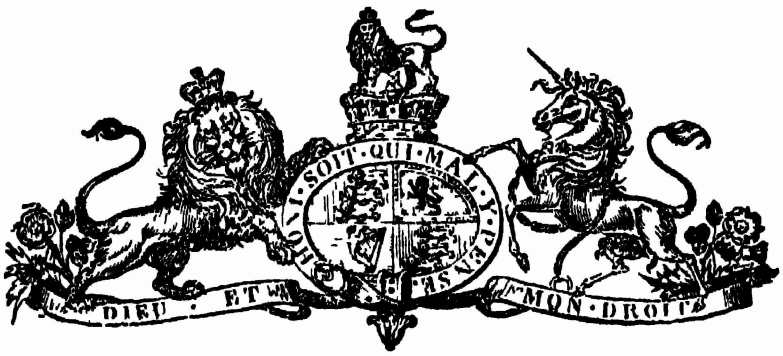
## SCHEDULE A.

REGISTER of the TIME during which every YOUTH, employed on any Day before 6 a.m. or after 6 p.m., has been employed during the Week ending [Sept. 10, 1862] by [John Armstrong & Co.] at the [ ] Lace Factory, situate in [ Street], [Nottingham], or [in the Parish or Township of ] in the County of [ ].

| Progressive Number on Certificate Book. | Surname. | Christian Name. | Sept. 5. Monday. | Sept. 6. Tuesday. | Sept. 7. Wednesday. | Sept. 8. Thursday. | Sept. 9. Friday. | Sept. 10. Saturday. |
|---|---|---|---|---|---|---|---|---|
| | | | A.M. Hrs. Min.<br>4 to 6·30 - 2 30<br>10 „ 12 - 2 0<br>P.M.<br>2 to 6·30 - 4 30<br>Total - 9 0 | Between 6 a.m. and 6 p.m. | Between 6 a.m. and 6 p.m. | A.M. Hrs. Min.<br>6 to 10 - 4 0<br>P.M.<br>2 to 4·30 2 30<br>7·30 to 10 2 30<br>Total - 9 0 | A.M. Hrs. Min.<br>8 to 11 - 3 0<br>P.M.<br>2 to 6 - 4 0<br>Total - 7 0 | A.M. Hrs. Min.<br>6 to 8 - 2 0<br>P.M.<br>12 to 3 - 3 0<br>6 „ 10 - 4 0<br>Total - 9 0 |
| | | | A.M. Hrs. Min.<br>4 to 8 - 4 0<br>P.M.<br>1 to 6 - 5 0<br>Total - 9 0 | Same as Monday. | Same as Monday. | Same as Monday. | Same as Monday. | Same as Monday. |
| | | | A.M. Hrs. Min.<br>8 to 1 p.m. 5 0<br>P.M.<br>6 to 10 - 4 0<br>Total - 9 0 | Same as Monday. | Same as Monday. | Same as Monday. | Same as Monday. | Same as Monday. |

[The Hours of actual Work are to be registered after the Manner described in the above Schedule, as the Case may be.]

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.



ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CXVIII.

## An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India*.

[6th *August* 1861.]

WHEREAS the Exigencies of the Public Service in *India* require that the Secretary of State in Council of *India* should be enabled to raise Money in the United Kingdom on the Credit of the Revenues of *India*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Secretary of State in Council of India to raise any Sum not exceeding Five Millions.

1. It shall be lawful for the Secretary of State in Council of *India*, at any Time or Times before the Thirtieth Day of *April* One thousand eight hundred and sixty-two, or, if Parliament be then sitting, before the End of the then Session of Parliament, to raise in the United Kingdom, for the Service of the Government of *India*, any Sum or Sums of Money not exceeding in the whole Five Millions, and such Sum or Sums may be raised by the Creation and Issue of Bonds or Debentures, or Capital Stock bearing Interest, or Annuities, or partly by one of such Modes and partly by another or others.



2. All

Bonds may be issued under the Hands of Two Members of the Council, countersigned by Secretary of State or One Under Secretary.

2. All Bonds issued under the Authority of this Act may be issued under the Hands of Two Members of the Council of *India*, and countersigned by the Secretary of State for *India*, or One of his Under Secretaries, or his Assistant Under Secretary, and shall be for such respective Amounts, payable after such Notice, and at such Rate or Rates of Interest as the said Secretary of State in Council may think fit.

Debentures may be issued.

3. All Debentures issued under the Authority of this Act may be issued under the Hands of Two Members of the Council, and countersigned as aforesaid, for such respective Amounts, and at such Rate or Rates of Interest, as the Secretary of State in Council may think fit, and shall be issued at or for such Prices and on such Terms as may be determined by the Secretary of State in Council.

As to Payment of Principal and Interest on Debentures.

4. All Debentures issued under the Authority of this Act shall be paid off at Par at a Time or Times to be mentioned in such Debentures respectively; and the Interest on all such Debentures shall be paid half-yearly on such Days as shall be mentioned therein; and the Principal Monies and Interest secured by such Debentures shall be payable either at the Treasury of the Secretary of State in Council in *London* or at the Bank of *England*.

Debentures transferable by Delivery or Deed.

Coupons by Delivery.

5. All or any Number of the Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal and Interest Monies secured thereby, shall be transferable either by the Delivery of such Debentures respectively, or, at the Discretion of the Secretary of State in Council, by Deed; provided that the Coupons for Interest annexed to any Debenture issued under the Authority of this Act shall pass by Delivery.

Capital Stock and Annuities may be created and issued.

6. Any Capital Stock created under the Authority of this Act shall bear such a Rate of Interest, and any Annuities to be created under the Authority of this Act shall be at such Rate *per Centum per Annum*, as the Secretary of State in Council may think fit; and such Capital Stock and such Annuities may be issued on such Terms as may be determined by the Secretary of State in Council; and any such Capital Stock may bear Interest during such Period, and be paid off at Par at such Time, as the Secretary of State in Council may prescribe previously to the Issue of such Capital Stock; and such Annuities may be terminable at such Period as the Secretary of State in Council may prescribe previously to the Issue of such Annuities.

Transfer Books of such Capital

7. In case of the Creation and Issue of any such Capital Stock or of any such Annuities, there shall be kept, either at the Office of the

the Secretary of State in Council in *London* or at the Bank of *England*, Books wherein Entries shall be made of the said Capital Stock and Annuities respectively, and wherein all Assignments or Transfers of the same respectively, or any Part thereof respectively, shall be entered and registered, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by his, her, or their Attorney or Attornies thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses; and the Person or Persons to whom such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and no other Mode of assigning or transferring the said Capital Stock or the said Annuities, or any Part thereof respectively, or any Interest therein respectively, shall be good and available in Law, and no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Stock and Annuities to be kept.

8. All Annuities created and issued under the Authority of this Act shall be deemed and taken to be Personal and not Real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, interested therein, or entitled thereto, and not to the Heir-at-Law, nor be liable to any Foreign Attachment by the Custom of *London*, or otherwise.

Annuities Personal Estate.

9. The whole Amount of the Principal Monies to be charged on the Revenues of *India* under this Act shall not exceed Five Millions; and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and sixty-two, or, if Parliament be then sitting, after the End of the then Session of Parliament, save for or upon the Repayment of Principal Monies previously secured under this Act as herein-after provided.

The whole Amount charged on Revenue of India not to exceed Five Millions.

10. Upon or for the Repayment of any Principal Money secured under the Authority of this Act, the Secretary of State in Council may at any Time borrow or raise, by all or any of the Modes aforesaid, all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money under this Act may require to be repaid, but the Amount to be charged upon the Revenues of *India* shall not in any Case exceed the Principal Money required to be repaid.

Power to raise Money for Payment of Principal Money.

11. All Bonds and Debentures to be issued under this Act, and the Principal Monies and Interest thereby secured, and all Capital Stock to be issued under this Act, and the Interest thereon, and all Annuities to be issued under this Act, shall be charged on and payable out

Securities, &c. to be charged on Revenues of India.

out of the Revenues of *India*, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Provisions as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.

**12.** The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the *East India* Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

Forgery of Debentures to be punishable as Forgery of East India Bonds.

**13.** All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Authority of this Act, as well as to and in respect of any Bond issued under the same Authority.

Returns to be annually prepared of Monies raised on Loan, &c. and presented to Parliament.

**14.** Provided always, That on or before the First Day of *February* in each Year the said Secretary of State in Council shall prepare or cause to be prepared a Return of all Monies raised on Loan under the Provisions of this Act; also a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the Revenues of *India*, at home and abroad, up to the latest Period of Time to which such Return can be made out: That all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year.

Saving Powers of the Secretary of State in Council.

**15.** This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Secretary of State in Council at the Time of passing thereof.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State for War to issue the Money required for Pay of Regular Militia.

**1.** The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

Rates of Pay.

| | Infantry. | | | Artillery. | | |
|---|---|---|---|---|---|---|
| | £ | s. | d. | £ | s. | d. |
| For each Adjutant - - - - | 0 | 10 | 0 | 0 | 10 | 0 |
| „ Quartermaster, where One is appointed in Corps consisting of not less than 360 Private Men - - - - | 0 | 5 | 0 | 0 | 5 | 0 |
| and of less than 360 Private Men - | 0 | 3 | 6 | 0 | 3 | 6 |
| „ Serjeant Major, where One is appointed in Corps consisting of Two or more Companies - - - - | 0 | 3 | 0 | 0 | 3 | 6 |
| „ Quartermaster Serjeant (in Corps whose Establishment exceeds Four Companies) | 0 | 2 | 6 | 0 | 2 | 10 |
| and for the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) - - | 0 | 2 | 6 | 0 | 2 | 10 |
| „ Serjeant Instructor of Musketry - - | 0 | 1 | 10 | — | | |
| „ Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) - | 0 | 1 | 10 | 0 | 2 | 6 |
| „ Serjeant, Orderly Room Clerk, Drum Major, or Bugle Major - - - | 0 | 1 | 10 | 0 | 2 | 6 |
| „ Drummer, Trumpeter, or Bugler, above Sixteen Years of Age - - - | 0 | 1 | 1 | 0 | 1 | 3 |
| and if under Sixteen Years of Age - - | 0 | 0 | 10 | 0 | 0 | 10 |

Rates of Pay when absent on Furlough.

Provided always, that when any Non-commissioned Officer, Drummer, Trumpeter, or Bugler shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Contingent Fund.

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

Clothing.

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer, Trumpeter, or Bugler on the Disembodied Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years.

Adjutant, &c. to reside where the Secretary of State for War shall appoint.

**2.** Except when employed as herein-after provided, every Adjutant, Quartermaster, Non-commissioned Officer, and Drummer, Trumpeter, or Bugler on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant and Non-commissioned Officer, and Drummer, Trumpeter, or Bugler shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-

herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers, and Drummers, Trumpeters, or Buglers, at the same Time.

Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.

3. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea* Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine: Provided always, that the Senior Officer shall have the Command of the Force so employed.

Quartermaster, &c. to have Charge of the Arms and Clothing.

Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.

4. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Office Stores.

Balance to form a Stock Purse.

Arms may be deposited in War Office Stores, by Order of Secretary of State for War.

In Absence of the Adjutant, the Serjeants to be

5. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered,

under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.

tered, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers, Trumpeters, or Buglers, shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

6. The Officers and Volunteer Non-commissioned Officers and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

| | Infantry. | | | Artillery. | | |
|---|---|---|---|---|---|---|
| | £ | s. | d. | £ | s. | d. |
| Colonel - - - - | 1 | 2 | 6 | 1 | 2 | 6 |
| Lieutenant-Colonel - - - - | 0 | 15 | 11 | 0 | 15 | 11 |
| Major - - - - | 0 | 14 | 1 | 0 | 14 | 1 |
| Captain (including non-effective Allowance) - | 0 | 10 | 6 | 0 | 10 | 6 |
| Lieutenant - - - - - | 0 | 6 | 6 | 0 | 6 | 6 |
| Ensign - - - - - - | 0 | 5 | 3 | 0 | 5 | 3 |
| Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards | 0 | 3 | 9 | 0 | 3 | 9 |
| " if acting also as Paymaster in Corps consisting of less than Four Companies - | 0 | 2 | 6 | 0 | 2 | 6 |
| " if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards - - | 0 | 7 | 0 | 0 | 7 | 0 |
| " if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies - - - | 0 | 4 | 6 | 0 | 4 | 6 |
| Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff) | 0 | 6 | 6 | 0 | 6 | 6 |
| " (if holding a Subaltern's Commission, and if not on the Permanent Staff) | 0 | 3 | 6 | 0 | 3 | 6 |
| " (if on the Permanent Staff in Corps of not less than 360 Private Men) | 0 | 1 | 6 | 0 | 1 | 6 |
| " (if on the Permanent Staff in Corps of less than 360 Private Men) - | 0 | 3 | 0 | 0 | 3 | 0 |
| Surgeon - - - - - - | 0 | 11 | 4 | 0 | 11 | 4 |
| Assistant Surgeon - - - | 0 | 7 | 6 | 0 | 7 | 6 |
| Sergeant Instructor of Musketry, in addition to the daily Rate of Pay granted by Sec. 1. - - | 0 | 1 | 0 | — | | |
| Serjeant (not on the Permanent Staff) - - | 0 | 1 | 6¾ | 0 | 2 | 6 |
| Corporal - - - - - - | 0 | 1 | 2¼ | 0 | 1 | 4¼ |
| Private - - - - - - | 0 | 1 | 0 | 0 | 1 | 2 |
| Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn - - - - | 0 | 3 | 0 | 0 | 3 | 0 |
| Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise - - - - - | 0 | 0 | 1 | 0 | 0 | 1 |

*Militia Pay.*

7. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, Trumpeters or Buglers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

8. And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia of *Great Britain*, or Subaltern Officers and Assistant Surgeons of the Militia of *Ireland*, when unfit for further Duty, have been placed upon a retired Allowance equal to and instead of the Allowance granted to them on the disembodying of the Militia at the Termination of the War in the Year One thousand eight hundred and fifteen: And whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have also been placed on a retired Allowance equal to and instead of their reduced Allowances granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth: All such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (*videlicet*,)

Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

'I do solemnly and sincerely declare, That I
'formerly served as a in the
'Militia; that I am not in Holy Orders; and that from the
'Day of to the Day of
'I did not hold or enjoy any Place or Employment of Profit, Civil
'or Military, under Her Majesty, or in the Colonies or Possessions
'of Her Majesty beyond the Seas, or under any other Government,
'besides my Allowance of per Diem as a of the
'said Militia, except my Half Pay or Civil Pension as a

Form of Declaration.

9. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

10. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains,

Persons on Half Pay, or entitled to Allowance as having served in the Army or

Navy, empowered to receive Pay, &c. during Training.

Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

**11.** Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, Trumpeter, or Bugler, or Private Man, in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

**12.** There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per* Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise.

Reduced Adjutants to receive 4*s.* per Day till 31st July 1862.

**13.** In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and sixty-one, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,)

be,) to the Thirty-first Day of *July* One thousand eight hundred and sixty-two, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

**14.** And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants Surgeons, and Quartermasters.

**15.** The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland*, on the Completion of the following Periods of Service in Her Majesty's Regular or *Indian* Forces, or in the Army of the *East India* Company, and in the Militia, if unfit, either by Age or Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

Allowances granted to Adjutants on Completion of certain Periods of Service.

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem*:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem*:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem*:

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem*:

Provided, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster

master General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

**Restrictions as to Allowances to reduced Adjutants of the Local Militia.**

**16.** And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

**A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.**

**17.** Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I was serving as
' Adjutant in the of Local Militia at the Reduction of
'the

'the Staff of the said Militia in One thousand eight hundred and 'twenty-nine; and that I was not in Holy Orders during any Part of 'the Period for which I now claim to receive an Allowance, that is to 'say, from the Day of One thousand eight 'hundred and to the Day of One 'thousand eight hundred and ; and that I did not 'hold or enjoy, nor did any Person for me hold or enjoy, during any 'Part of the said Period, any Place, Office, or Employment of Profit, 'Civil or Military, under the Crown or any other Government, 'besides the Allowance of a Day now claimed, 'except my Half Pay as a [of the Army *or* Navy '*or* Marines, *or* of a Provisional Battalion formed from the Militia, '*as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

**Allowance to Clerks of General Meetings, &c.**

**18.** Where the Militia is raised by Ballot in *Great Britain* Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

**Manner of granting Allowances.**

**19.** The said Allowances shall be granted as follows; (*videlicet,*) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon;* and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet,*)

**Clerks, &c. to make Declaration of the Justness of their Accounts.**

*Declaration of a Clerk of General or Subdivision Meetings.*

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the Public Service 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

*Declaration of a Schoolmaster, Constable, or other Officer in Scotland.*

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable *or other Officers*] of the District 'of in the Subdivision of the County 'of ;' and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the Public Service according to the Manner therein set 'forth; and that I was employed on such Business the full Time 'therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

**20.** And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service of the Man or Men about to be submitted to my Exami-'nation, and that I will not receive from any of them any Fee or 'Reward whatever for any such Examination.'

And

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Allowance to Surgeon.

**21.** All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Pay, &c. to be issued under Direction of the Secretary of State for War.

**22.** All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

Bills drawn for Pay, &c. may be on unstamped Paper.

**23.** No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

No Fee to be taken.

**24.** All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

**25.** This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and sixty-one until the First Day of *September* One thousand eight hundred and sixty-two.

Continuance of Act.

SCHE-

## SCHEDULES to which this Act refers.

### SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

| | £ | s. | d. |
|---|---|---|---|
| 1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) - | 0 | 7 | 6 |
| 2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - - | 5 | 5 | 0 |
| For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - - | 1 | 11 | 6 |
| Which Allowances are to be in full for engrossing Minutes, &c. | | | |
| 3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each | 0 | 0 | 6 |
| For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - - | 0 | 0 | 6 |
| 4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - | 0 | 7 | 6 |
| 5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet, | | | |
| In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - - | 2 | 2 | 0 |
| In Counties furnishing from 201 to 400 Men - - | 3 | 3 | 0 |
| Ditto - - from 401 to 600 Men - - | 4 | 4 | 0 |
| Ditto - - from 601 to 800 Men - - | 5 | 5 | 0 |
| Ditto - - from 801 Men and upwards - | 6 | 6 | 0 |
| 6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done: | | | |
| In Counties furnishing a Quota of 200 Men or under - | 1 | 1 | 0 |
| Ditto - - - from 201 to 400 Men - | 2 | 2 | 0 |
| Ditto - - - from 401 to 600 Men - | 3 | 3 | 0 |
| Ditto - - - from 601 to 800 Men - | 4 | 4 | 0 |
| Ditto - - - from 801 Men and upwards | 5 | 5 | 0 |

*Militia Pay.*

| | £ | s. | d. |
|---|---|---|---|
| 7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.): | | | |
| For engrossing 50 Names and under - - - | 0 | 5 | 0 |
| Ditto - 51 to 150 Names - - - | 0 | 10 | 0 |
| Ditto - 151 to 250 Names - - - | 1 | 0 | 0 |
| Ditto 251 Names and upwards - - - | 1 | 10 | 0 |
| 8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men: | | | |
| In Counties furnishing One Regiment, Battalion, or Corps - - - - - | 0 | 15 | 0 |
| Ditto - Two - Ditto - - | 1 | 10 | 0 |
| Ditto - Three - Ditto - - | 2 | 0 | 0 |
| No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto. | | | |
| Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps. | | | |
| 9. For Stationery: | | | |
| To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - - | 2 | 0 | 0 |
| Ditto - from 301 to 600 Men - - | 3 | 0 | 0 |
| Ditto - from 601 to 900 Men - - - | 4 | 0 | 0 |
| Ditto - from 901 Men and upwards - - | 5 | 0 | 0 |
| 10. For Copyings, Correspondence, &c. &c.: | | | |
| To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - - - | 2 | 0 | 0 |
| In a County furnishing from 201 to 400 Men - - - | 3 | 0 | 0 |
| Ditto - - from 401 to 600 Men - - | 4 | 0 | 0 |
| Ditto - - from 601 to 800 Men - - | 5 | 0 | 0 |
| Ditto - - from 801 Men and upwards - | 6 | 0 | 0 |
| 11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed. | | | |
| The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid. | | | |

TRAINING AND EXERCISE.

| | | | |
|---|---|---|---|
| 12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - - | 0 | 0 | 6 |
| 13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and | | | |

| | £ | s. | d. |
|---|---|---|---|
| Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - | 1 | 0 | 0 |
| In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - - | 2 | 0 | 0 |
| Ditto - Two - Ditto - - | 3 | 0 | 0 |
| Ditto - Three - Ditto - - | 4 | 0 | 0 |

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

| | | | |
|---|---|---|---|
| 14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - | 0 | 5 | 0 |
| Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter - | 0 | 1 | 0 |
| 15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - | 2 | 2 | 0 |
| And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - | 1 | 5 | 0 |
| And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - | 0 | 15 | 0 |
| 16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - - | 0 | 0 | 6 |
| And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - - | 0 | 0 | 6 |
| 17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men - | £2 per 1,000 | | |
| 18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - - | 2 | 2 | 0 |
| Ditto from 51 to 150 Men - - - | 3 | 3 | 0 |
| Ditto from 151 to 250 Men - - - - | 4 | 4 | 0 |
| Ditto from 251 Men and upwards - - - | 5 | 5 | 0 |

| | £ | s. | d. |
|---|---|---|---|
| 19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,) | | | |
| For a Roll containing 50 Names and under - - | 0 | 5 | 0 |
| Ditto from 51 to 150 Names - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names - - | 0 | 15 | 0 |
| Ditto from 251 Names and upwards - - | 1 | 0 | 0 |
| 20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,) | | | |
| For a Subdivision furnishing 50 Men and under - | 1 | 10 | 0 |
| Ditto from 51 to 150 Men - - | 2 | 0 | 0 |
| Ditto from 151 to 250 Men - - - | 2 | 10 | 0 |
| Ditto from 251 Men and upwards - - | 3 | 0 | 0 |
| 21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,) | | | |
| For a Subdivision furnishing 50 Men and under - | 2 | 0 | 0 |
| Ditto from 51 to 150 Men - - | 3 | 0 | 0 |
| Ditto from 151 to 250 Men - - - | 4 | 0 | 0 |
| Ditto from 251 Men and upwards - - | 5 | 0 | 0 |
| 22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed. | | | |
| The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid. | | | |
| 23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera: | | | |
| For a Subdivision furnishing 50 Men and under - | 0 | 5 | 0 |
| Ditto from 51 to 150 Men - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Men - - - | 0 | 15 | 0 |
| Ditto from 251 Men and upwards - - | 1 | 0 | 0 |

TRAINING AND EXERCISE.

| | | | |
|---|---|---|---|
| 24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia: | | | |
| For each Precept containing 50 Names and under - | 0 | 5 | 0 |
| Ditto from 51 to 150 Names - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names - - | 0 | 15 | 0 |
| Ditto from 251 Names and upwards - - | 1 | 0 | 0 |

| | £ | s. | d. |
|---|---|---|---|
| And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia: | | | |
| For each Precept containing 10 Names and under - | 0 | 0 | 6 |
| Ditto from 11 to 30 Names - - | 0 | 1 | 0 |
| Ditto from 31 to 50 Names - - | 0 | 2 | 6 |
| Ditto from 51 to 70 Names - - | 0 | 4 | 0 |
| Ditto from 71 to 100 Names - - | 0 | 7 | 0 |
| Ditto from 100 upwards - - - | 0 | 10 | 0 |
| 25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise: | | | |
| For a Roll containing 20 Names and under - - | 0 | 2 | 0 |
| Ditto from 21 to 50 Names - - | 0 | 5 | 0 |
| Ditto from 51 to 150 Names - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names - - | 0 | 15 | 0 |
| Ditto from 251 and upwards - - | 1 | 0 | 0 |
| 26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain: | | | |
| For a Subdivision furnishing 50 Men and under - | 0 | 5 | 0 |
| Ditto from 51 to 150 Men - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Men - - - | 0 | 15 | 0 |
| Ditto from 251 and upwards - - | 1 | 0 | 0 |

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

| | | | |
|---|---|---|---|
| 27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - - | 0 | 5 | 0 |
| 28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - | 0 | 1 | 0 |
| 29. For attending Meetings of Lieutenancy, each Meeting - | 0 | 10 | 0 |
| 30. For filling up and delivering Notices to balloted Men, per Day - - - - - - - | 0 | 5 | 0 |
| 31. For Stationery, per Annum - - - | 0 | 5 | 0 |

ALLOWANCES TO CONSTABLES IN SCOTLAND.

| | | | |
|---|---|---|---|
| 32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - - | 0 | 4 | 0 |
| 33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - | 0 | 1 | 0 |
| 34. For attending each Meeting of Lieutenancy, per Day - | 0 | 4 | 0 |
| 35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - - | 0 | 4 | 0 |
| 36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - | 0 | 5 | 0 |

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

---

## SCHEDULE B.

SCALE of RATES of REMUNERATION to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

### CLERKS OF GENERAL MEETINGS.

| | Per Annum. £ | s. | d. |
|---|---|---|---|
| For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery: | | | |
| In Counties where the Quota does not exceed 200 - | 15 | 0 | 0 |
| Where the Quota is | | | |
| Above 200, and not exceeding 400 - - - | 20 | 0 | 0 |
| Above 400, and not exceeding 500 - - - | 25 | 0 | 0 |
| And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100: | | | |
| Above 500, and not exceeding 1,000 - - - | 4 | 0 | 0 |
| Above 1,000, and not exceeding 2,000 - - | 3 | 0 | 0 |
| Above 2,000, and not exceeding 3,000 - - - | 2 | 0 | 0 |
| Above 3,000, and not exceeding 4,000 - - | 1 | 10 | 0 |
| Above 4,000 - - - - - - | 1 | 0 | 0 |
| For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - - | 2 | 2 | 0 |

The actual Expense incurred in printing or advertising, and for Postage, may be charged.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CXX.

### An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[6th *August* 1861.]

WHEREAS it is expedient to suspend for a further Period the Ballots for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.**

1. All General and Subdivision Meetings relating to the Militia of the United Kingdom, except General Meetings required under Section One of Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred and twenty, and all Proceedings relating to procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, as are or may be directed or authorized by or under any Act of Parliament now in force, shall cease and remain suspended until the First Day of *October* One thousand eight hundred and sixty-two.



2. Pro-

Proceedings may be had during such Suspension by Order in Council.

2. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of the several Acts in force in the United Kingdom relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Periods specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

3. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in *Great Britain*, under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CXXI.

### An Act to amend the Law in relation to the Wills and Domicile of *British* Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.

[6th *August* 1861.]

WHEREAS by reason of the present Law of Domicile the Wills of *British* Subjects dying whilst resident abroad are often defeated, and their Personal Property administered in a Manner contrary to their Expectations and Belief; and it is desirable to amend such Law, but the same cannot be effectually done without the Consent and Concurrence of Foreign States: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

**No British Subject dying in a Foreign Country to be deemed to have acquired a Domicile unless resident there for One**

1. Whenever Her Majesty shall by Convention with any Foreign State agree that Provisions to the Effect of the Enactments herein contained shall be applicable to the Subjects of Her Majesty and of such Foreign State respectively, it shall be lawful for Her Majesty by any Order in Council to direct, and it is hereby enacted, That from and after the Publication of such Order in the *London Gazette* no *British* Subject resident at the Time of his or her Death in the Foreign Country named

Year immediately preceding his or her Death, &c., and for all Purposes of Testate or Intestate Succession shall retain the Domicile possessed at the Time of going to reside in such Foreign Country.

named in such Order shall be deemed under any Circumstances to have acquired a Domicile in such Country unless such *British* Subject shall have been resident in such Country for One Year immediately preceding his or her Decease, and shall also have made and deposited in a Public Office of such Foreign Country (such Office to be named in the Order in Council) a Declaration in Writing of his or her Intention to become domiciled in such Foreign Country; and every *British* Subject dying resident in such Foreign Country, but without having so resided and made such Declaration as aforesaid, shall be deemed for all Purposes of Testate or Intestate Succession as to Moveables to retain the Domicile he or she possessed at the Time of his or her going to reside in such Foreign Country as aforesaid.

No Foreign Subject dying in Great Britain or Ireland to be deemed to have acquired a Domicile unless resident therein for One Year immediately preceding his or her Death, &c.

**2.** After any such Convention as aforesaid shall have been entered into by Her Majesty with any Foreign State it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the *London Gazette* it shall be and is hereby enacted, that no Subject of any such Foreign Country who at the Time of his or her Death shall be resident in any Part of *Great Britain* or *Ireland* shall be deemed under any Circumstances to have acquired a Domicile therein, unless such Foreign Subject shall have been resident within *Great Britain* or *Ireland* for One Year immediately preceding his or her Decease, and shall also have signed, and deposited with Her Majesty's Secretary of State for the Home Department, a Declaration in Writing of his or her Desire to become and be domiciled in *England*, *Scotland*, or *Ireland*, and that the Law of the Place of such Domicile shall regulate his or her Moveable Succession.

Who this Act shall not apply to.

**3.** This Act shall not apply to any Foreigners who may have obtained Letters of Naturalization in any Part of Her Majesty's Dominions.

When Subjects of Foreign States shall die in Her Majesty's Dominions, and there shall be no Persons to administer to their Estates, the Consuls of such Foreign States may administer.

**4.** Whenever a Convention shall be made between Her Majesty and any Foreign State, whereby Her Majesty's Consuls or Vice-Consuls in such Foreign State shall receive the same or the like Powers and Authorities as are herein-after expressed, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the *London Gazette* it shall be and is hereby enacted, that whenever any Subject of such Foreign State shall die within the Dominions of Her Majesty, and there shall be no Person present at the Time of such Death who shall be rightfully entitled to administer to the Estate of such deceased Person, it shall be lawful for the Consul, Vice-Consul, or Consular Agent of such Foreign State within that Part of Her Majesty's Dominions where

where such Foreign Subject shall die, to take possession and have the Custody of the Personal Property of the Deceased, and to apply the same in Payment of his or her Debts and Funeral Expenses, and to retain the Surplus for the Benefit of the Persons entitled thereto; but such Consul, Vice-Consul, or Consular Agent shall immediately apply for and shall be entitled to obtain from the proper Court Letters of Administration of the Effects of such deceased Person, limited in such Manner and for such Time as to such Court shall seem fit.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CXXII.

### An Act to continue the Corrupt Practices Prevention Act (1854). [6th *August* 1861.]

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and "amend the Laws relating to Bribery, Treating, and undue Influence "at Elections of Members of Parliament;" and such Act was amended by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven: And whereas the said first-mentioned Act, as so amended, has, by an Act of the Session holden in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter Ninety-nine, been continued until the Tenth Day of *August* One thousand eight hundred and sixty-one, and it is expedient that it should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict c. 102.

21 & 22 Vict. c. 87.

23 & 24 Vict. c. 99.

*Corrupt Practices Prevention Act* (1854) *Continuance.*

Duration of Act.

1. The said first-mentioned Act, as amended by the said Act of the Twenty-first and Twenty-second Years of Her Majesty, shall continue in force until the First Day of *September* One thousand eight hundred and sixty-two, and to the End of the then next Session of Parliament.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

said recited Act, or of which a Partition, Exchange, or Division shall be made by the Court, where no Sale is to be effected by the Court, or of which the Title shall be verified by Declaration under the said Act as aforesaid; and such Duty shall be payable in the Proportion herein-after mentioned, according to the Value of such Estate; and such Value shall, when the Estate shall be sold or conveyed, be estimated by the *bonâ fide* Purchase Money, and where the Court shall make a Partition, Exchange, or Division of Land, or shall verify the Title thereof by Declaration as aforesaid, the Value of such Estate shall be ascertained by such Means as shall be settled by a General Order of the Court; and such Duty shall be the First Charge upon the Purchase Money, and where there shall be no Sales the Duty shall be a First Charge upon the Estate conveyed, or the Estate being the Subject of such Declaration of Title as aforesaid, or the Estates which shall be the Subject of such Exchange, Partition, or Division as aforesaid; and Payment of such Duty shall be enforced by such Method as shall be determined by any General Order of the Court for that Purpose; and such Duty shall be paid so as to become and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in such Manner as shall be determined by General Order of the Court, to be approved by the Commissioners of Her Majesty's Treasury; and from and after the Time at which this Act shall come into operation, as herein-before mentioned, the Rate of such Duty shall be Ten Shillings upon every Hundred Pounds of the gross Value of every Estate which shall be sold or conveyed under the said recited Act, and the Rate of such Duty upon every Estate of which an Exchange, Partition, or Division shall be made by the Court under the said Act, when no Sale is effected by the Court, shall be Five Shillings upon every Hundred Pounds of the gross Value of such Estate, and the Rate of such Duty upon the Estate or Estates of which the Title shall be verified by Declaration under the said Act shall be Ten Shillings upon every Hundred Pounds of the gross Value thereof: Provided always, that no such Duty shall be payable in respect of any Property which shall be sold in pursuance of an Order of the Incumbered Estates Court made before the Commencement of the said recited Act; and that nothing herein contained shall alter or affect any Duty which shall have become due and payable under the said recited Act before the passing of this Act.

If Duties, &c. hereby authorized be insufficient to pay Half the Expense of maintaining Court, Rates may be raised of any of the said Duties.

**2.** Provided always, That in case the Duty authorized to be levied by this Act, together with the Sums paid to the Consolidated Fund pursuant to the Provisions of the Eighty-ninth Section of the said recited Act, shall in any Year be insufficient to pay One Half of the Expense of maintaining the said Court, it shall be lawful for the Commissioners of the Treasury to raise the Rate of any of the said Duties

Duties from Time to Time and for such Periods as they shall direct; provided that such increased Rate shall in no Instance exceed the maximum Rate of Duty authorized by the said recited Act.

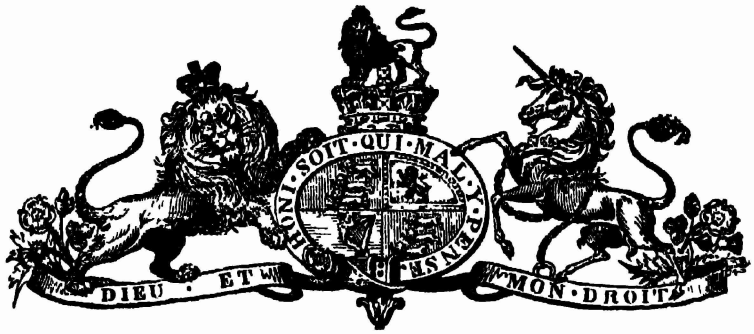
Indemnity to Lieutenant Colonel John Henry Keogh.

3. Whereas Lieutenant Colonel *John Henry Keogh* has sustained a Loss of One thousand eight hundred and seventy-nine Pounds Six Shillings and Sevenpence by the Neglect of an Officer of the Incumbered Estates Court: And whereas it is expedient that he should be indemnified for the said Loss: Be it therefore enacted, That the Judges of the Landed Estates Court may, with the Sanction of the Commissioners of Her Majesty's Treasury, direct the Payment to the said Lieutenant Colonel *John Henry Keogh*, from Time to Time, out of the Duties levied or to be levied under the Provisions of the said recited Act, of an Amount not exceeding the said Sum of One thousand eight hundred and seventy-nine Pounds Six Shillings and Sevenpence; and, except with the Sanction of the said Commissioners, no General Order reducing the said Duties shall be issued until there shall have been received after the passing of this Act, from the Proceeds of the Difference between the existing Duties and the reduced Duties to be levied under this Act, a Sum amounting to One thousand eight hundred and seventy-nine Pounds Six Shillings and Sevenpence.

Recited Act and this Act to be construed as One Act.

4. The said recited Act, except so far as altered by this Act, shall be construed with this Act; and Words interpreted in the said recited Act shall, when used in this Act, have the same Meanings as are assigned to them respectively by the said recited Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Purposes of the Act, and it was thereby declared that it should be lawful for him, in obedience to Directions to be given by any One of His Majesty's Principal Secretaries of State, to sell, assign, or dispose of the whole or any Part of such Property as aforesaid, and to execute all such lawful Matters for carrying the said Act into execution as such Principal Secretary of State should from Time to Time direct: And whereas Provisions were made by the said Act for defraying the Expense of the said Police Force by means of Contributions from the several Parishes and Places within the Metropolitan Police District, and for the Purpose of enforcing such Contributions it was declared that it should be lawful for the Justices appointed under the said Act forthwith and so from Time to Time, subject to the Approbation of One of His Majesty's Principal Secretaries of State, to issue a Warrant under their Hands to the Overseers of the Poor of every such Parish or Place, commanding the Overseers to pay the Amount mentioned in the Warrant for the Purposes of the Police under the said Act, or to levy the same in manner therein mentioned; and it was further provided that the Overseers to whom any such Warrant as aforesaid should be issued should pay the Amount mentioned in the Warrant out of such Monies as therein mentioned to the Receiver within the Time specified for that Purpose, and at the Time of making any Payment to the Receiver should deliver to him a Note in Writing signed by them specifying the Amount so paid, which Note should be kept by the Receiver as a Voucher for his Receipt of that particular Amount, and the Receipt of the Receiver specifying the Amount paid to him by the Overseers should be a sufficient Discharge to the Overseers for such Amount, and should be allowed as such in passing their Accounts with their respective Parishes, Townships, Precincts, or Places: And whereas the Commissioners of Her Majesty's Treasury have from Time to Time granted Pensions and compassionate Allowances for the Benefit of the Widows or Children of Police Constables who have been killed or who have died from the Effects of Injuries received in the Execution of their Duty: And whereas it is expedient that further Provision should be made with respect to the Property vested in the Receivers for the Metropolitan Police District for the Purposes of their Office, and that Provision should be made for charging on the Monies received by the Receiver such Pensions and compassionate Allowances as may hereafter be awarded to the Widows and Children of such Police Constables as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**Receiver constituted a Corporation Sole.**

1. The Person for the Time being holding the Office of Receiver for the Metropolitan Police District shall be a Corporation Sole, by the Name of "the Receiver for the Metropolitan Police District," and by that Name shall have perpetual Succession, with a Capacity by

by his Official Name to acquire and hold Lands, to hold Stock in the Public Funds, Shares in any public Company, Securities for Monies, and Personal Property of every Description, to sue and be sued, to execute Deeds, using an Official Seal, to make Leases, to enter into Engagements binding on himself and his Successors in Office, and to do all other Acts necessary or expedient to be done in the Execution of the Duties of his Office.

**Transfer of Property vested in previous Receivers.**

**2.** All such Property, Real and Personal, including all Interests and Rights in, to, and out of Property, Real and Personal, and including Things in Action, as may be vested in *John Wray*, the late Receiver for the Metropolitan Police District, for the Purposes of his Office, and all such Property, Real and Personal, including all such Interests, Rights, and Things in Action as aforesaid, as may be vested in *Maurice Drummond*, the present Receiver for the Metropolitan Police District, for the Purpose of his Office, shall pass to and vest in the present Receiver for the Metropolitan Police District and his Successors, by his Official Name, for all the Estate and Interest of the said *John Wray* and *Maurice Drummond* respectively therein, to be held by the said Receiver and his Successors for the Purposes for which the same were held by the said *John Wray* and *Maurice Drummond* respectively.

**Exoneration of Receiver of Metropolitan Police District.**

**3.** The Receiver for the Time being for the Metropolitan Police District, herein-after referred to as the Receiver, shall not be personally liable for any Debt incurred or Engagement entered into by him by his Official Name in his Official Capacity, but all such Debts and Engagements shall be satisfied out of the Monies for the Time being received by him in his Official Capacity.

**Alteration of Name of Account at Bank of England.**

**4.** The Name of the Receiver for the Time being shall not after the passing of this Act be inserted in the Official Account kept by him with the Governor and Company of the Bank of *England*.

**Power of Receiver to purchase, &c.**

**5.** The Receiver may, by the Direction of One of Her Majesty's Principal Secretaries of State, transfer, demise, enfranchise, mortgage, or otherwise dispose of Property of any Tenure vested in him in his Official Capacity, and may purchase, take, or lease Property of any Tenure required for the Purposes of the Metropolitan Police Force or other the Purposes of his Office.

**Power to grant Pensions and compassionate Allowances to Widows and Children of Constables killed in**

**6.** One of Her Majesty's Principal Secretaries of State may from Time to Time grant such Pensions as he thinks just to the Widows of Metropolitan Police Constables who have been killed or have died from the Effect of Injuries received in the Execution of their Duty, and may likewise make Grants by way of compassionate Allowances to the Children of any such Constables, and any Grant so made shall be payable out of any Monies for the Time being in the

the Execution of their Duty.

the Hands of the Receiver; but any Grants made in pursuance of this Section of Pensions or compassionate Allowances shall not exceed the Amount which the Lords of the Admiralty are for the Time being empowered to pay to the Widows and Children of Coast Guard Officers who may have been killed or have died from the Effect of Injuries received in the Execution of their Duty.

Repeal of Part of Sect. 25 of 10 G. 4. c. 44. and enactment of new Provisions in lieu thereof.

7. There shall be repealed so much of the Twenty-fifth Section of the said Act of the Tenth Year of King *George* the Fourth, Chapter Forty-four, as provides "that the Overseers shall pay to the Receiver "the Amount mentioned in the Warrant within the Time specified "for that Purpose, and at the Time of making any Payment to the "Receiver shall deliver to him a Note in Writing signed by them "specifying the Amount so paid, which Note shall be kept by the "Receiver as a Voucher for his Receipt of that particular Amount, "and the Receipt of the Receiver specifying the Amount paid to "him by the Overseers shall be a sufficient Discharge to the Over-"seers for such Amount, and shall be allowed as such in passing "their Accounts with their respective Parishes, Townships, Precincts, "or Places;" and in lieu thereof be it enacted, That the Overseers shall pay into the Bank of *England*, to the Account of the Receiver of the Metropolitan Police, the Amount mentioned in the Warrant within the Time specified for that Purpose, and that the Certificate of the Bank, signed by One of their Cashiers, specifying the Amount paid into the Bank, shall be a sufficient Discharge to the Overseers for such Amount, and shall be allowed as such in passing their Accounts with their respective Parishes, Townships, Precincts, or Places.

Payment of Monies into the Bank.

8. In addition to the Sums hereby directed to be paid by the Overseers all other Sums from Time to Time accruing payable to the Receiver shall be paid into the Bank of *England* to the Account of the Receiver of the Metropolitan Police, and the Certificate of the Bank, signed by One of their Cashiers, specifying the Amount paid into the Bank, shall be a sufficient Discharge to the Persons paying the same.

This and previous Acts to be construed as One.

9. This Act, so far as is not inconsistent with the Purposes thereof, shall be construed as one with the said Act of the Tenth Year of King *George* the Fourth, Chapter Forty-four, and the other Acts relating to the Metropolitan Police Force.

Short Title.

10. This Act may be cited for all Purposes as "The Metropolitan Police Receiver's Act, 1861."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CXXV.

## An Act to enable Overseers in populous Parishes to provide Offices for the proper Discharge of Parochial Business. [6th *August* 1861.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

**Power to Overseers and Vestries, with Consent of Poor Law Board, to purchase Offices for Use of Parish.**

1. The Overseers of any Parish in *England* the Population whereof shall exceed Four thousand Persons according to the Census for the Time being, with the Consent of the Vestry, called after due Notice, and with the Consent of the Poor Law Board, signified by an Order under their Seal, may hire any Room, or purchase or take upon Lease or Exchange any Land or Building, or sell Land belonging to such Parish, and invest the Proceeds of such Sale in the Purchase of other Land and Building, or erect a suitable Building on any Land acquired as aforesaid, for the Purpose of an Office for the Transaction of the Business of the Parish.

And the Lands Clauses Consolidation Act, 1845, (except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect

 to

to the Recovery of Forfeitures, Penalties, and Costs,) shall, in so far as the same is consistent with this Act, be incorporated with this Act.

And for the Purposes of this Act the Expressions "the Promoters of the Undertaking," or "the Secretary," whenever used in that Act, shall respectively mean the Overseers as aforesaid; and the Expression "Tolls or Rates," whenever used in the said first-mentioned Act, shall mean Monies to be raised for the Relief of the Poor; and all Lands and Premises which shall be so purchased or taken on Lease or Exchange by the Overseers of any Parish shall be conveyed, demised, and assured to such Overseers and their Successors, in trust for the Purposes aforesaid; and the yearly Rent reserved by any Lease shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish, and shall be paid by the Overseers as aforesaid of such Parish as such Rent becomes payable; and if at any Time any such Rent be not paid within Thirty Days after it so becomes payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Overseers as aforesaid, with Costs of Suit, by Action of Debt in any Court of appropriate Jurisdiction, or may levy the same by Distress of the Goods and Chattels of any of the Overseers as aforesaid; and such Overseers may provide the requisite Furniture and Fittings of such Room or such Building, and appoint and pay out of the Poor Rate such Persons to take care thereof, or of any Vestry Room provided under the Authority of the Fifty-seventh Chapter of the Statute of the Thirteenth and Fourteenth Years of the Reign of Her Majesty, and to aid in the ordinary Business of the Parish, as the Vestry shall authorize and the Poor Law Board shall approve; and every such Building and Vestry Room shall be warmed and lighted and with its Furniture shall be kept in good Condition and Repair at the Cost of the Poor Rate.

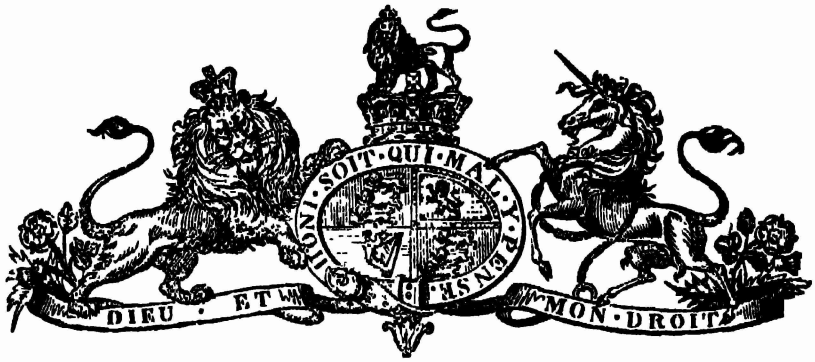
The Overseers may provide Depositories for Parish Documents.

**2.** The Overseers of any Parish may, with the Consent of the Vestry, provide proper Depositories of all the Documents, Books, and Papers belonging to such Parish for which no Provision is otherwise made by Law, and charge the Cost thereof upon the Poor Rate.

Interpretation of Terms.

**3.** The Words used in this Act shall be construed in the like Manner as in the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Seventy-six.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CXXVI.

### An Act to exempt the Volunteer Forces of *Great Britain* from the Payment of Tolls.

[6th *August* 1861.]

WHEREAS Doubts have arisen how far the Exemption from Tolls granted to Officers and Soldiers by the Acts severally passed in the Third and Fourth Years of the late King *George* the Fourth, for the general Regulation of Turnpike Roads in *England* and *Scotland* respectively, and by the several Acts heretofore passed for punishing Mutiny and Desertion, and for better Payment of the Army and their Quarters, may be extended to Officers and Soldiers serving in Volunteer Corps: And whereas it is expedient that such Doubts should be removed, and the Exemption of Volunteers from Tolls should be more fully defined: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3 G. 4. c. 126.
4 G. 4. c. 49.

I. No Dues, Duties, Pontage, or Toll from which Officers and Soldiers on their March or Duty, or the Horses of any Officer or Soldier

Horses and Carriages, &c. of

Volunteers exempted.

Soldier on March or on Duty, are exempted by the Provisions of the recited or any other Acts, shall be demanded or taken at any Pier, Wharf, Quay, or Landing Place, or at any Turnpike or other Gate, Bar, or Bridge, for any Volunteer Officer or Soldier, or for any Horse or other Beast used or ridden by any Volunteer Officer or Soldier on his March or on Duty, or going to or returning from any Place appointed for and on the Days for Exercise, Inspection, or Review, or on other Public Duty, such Volunteer Officer or Soldier being in the Uniform of his Corps, or for any Cart, Waggon, or Carriage whatsoever, whether public or private, or for any Horse or other Beast drawing the same, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any such Volunteer Officer or Soldier on his March or on Duty, or going to or returning from any Place appointed for and on the Days for Exercise, Inspection, or Review, or other public Duty, and being in the Uniform of his Corps, or the Arms or Baggage of any such Volunteer Officer or Soldier, or any Ordnance or Barrack or Commissariat Stores belonging to or for the Use of Her Majesty's Volunteer Forces; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses or other Beasts, Carts, Waggons, Carriages, Arms, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, or Vessels are liable thereto, or prevent Toll being taken for conveying the said Persons, Horses or other Beasts, Carts, Waggons, or Carriages, Arms, Baggage, or Stores, upon any Railway.

Penalty for demanding Tolls from Volunteers, &c.

**2.** Any Toll Collector or other Person who shall take, demand, or receive any Dues, Duties, Pontage, or Toll for or in respect of any Volunteer Officer or Soldier, Horse or other Beast, Carriage, Waggon, or Cart, entitled to Exemption under this Act, shall forfeit and pay for every Offence a Sum not exceeding Five Pounds.

Penalty for personating Volunteers, &c.

**3.** Any Person who shall falsely and fraudulently personate or represent himself to be a Volunteer Officer or Soldier with the Intent to evade Payment of any Dues, Duties, Pontage, or Toll to which he would otherwise be liable, shall forfeit and pay for every Offence a Sum not exceeding Five Pounds.

Recovery and Application of Penalties.

**4.** All Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed shall be levied and recovered and applied in *England* and *Scotland* respectively in manner severally directed by the

the said recited Acts, or any Act or Acts respectively amending the same for the Time being in force.

5. This Act shall not extend to *Ireland.* Extent of Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Available Balance of Treasury Chest Fund to be limited as herein mentioned, and Surplus to form Part of Consolidated Fund.

**1.** From and after the passing of this Act, the available Balance of the Treasury Chest Fund shall be limited not to exceed the Sum of One million three hundred thousand Pounds; and in case upon the taking of the first annual Account herein-after directed, or upon the taking of any subsequent annual Account, such available Balance be found to exceed the said Sum of One million three hundred thousand Pounds, the Commissioners of Her Majesty's Treasury shall direct the Surplus of such Balance above the said Sum of One million three hundred thousand Pounds to be paid to and form Part of the Consolidated Fund.

How Commissioners of Treasury are to employ the said Fund.

**2.** It shall be lawful for the said Commissioners to employ from Time to Time the said Treasury Chest Fund, or the Balances in the Hands of Persons acting as Paymasters for the same Fund, in the Purchase of Specie, and Payment of Bills drawn on the said Commissioners for the Supply of the several Treasury Chests, in making temporary Advances for Public and Colonial Services, to be repaid to the Treasury Chest Fund out of the Money appropriated by Parliament to such Services, or out of such other Moneys as may be applicable thereto, and in the Repayment of Moneys deposited in any of the Treasury Chests abroad on account of the Public Service: Provided always, that no Expenditure whatsoever shall be finally defrayed out of or permanently charged upon the said Fund.

Annual Abstract Account of said Fund to be made by Commissioners of Audit, and laid before Parliament by the Commissioners of the Treasury, with Returns of Special Warrants and Account of Claims outstanding.

**3.** The Commissioners for auditing the Public Accounts shall prepare an annual Abstract Account, made up to and including the Thirty-first Day of *March* in every Year, showing the Sums received into and paid out of the several Treasury Chests in the Financial Year ending such Thirty-first Day of *March*, and the Balances remaining on that Day in the Hands of each of the Persons acting as Paymasters for the Treasury Chest Fund; and such Account shall also show the Liabilities and Assets of the said Fund, and the available Balance thereof, on the said Thirty-first Day of *March*; and there shall be prepared by the Commissioners for auditing the Public Accounts Two Returns, showing the Special Warrants, if any, which may have been issued by Officers commanding Her Majesty's Troops at Foreign Stations for Advances or Payments from Treasury Chests not contemplated in the Regulations for the ordinary Service at the Stations; the one such Return being for the Period embraced in the said Account, and the other for the Period between the Termination of

of the Account and the Thirty-first Day of *December* following. There shall also be prepared by the said Commissioners an Account showing all the Debts due on the closing of the annual Abstract Account to the Treasury Chest Fund, and all Claims upon that Fund then outstanding, which were so due and outstanding on the Thirty-first Day of *March* of the Financial Year preceding the Year embraced in the Account; and the Commissioners for auditing the Public Accounts shall transmit the said annual Abstract Account, and the said Returns of Special Warrants and Account of outstanding Claims, to the Commissioners of Her Majesty's Treasury, who shall annex to the said Returns and Account of Claims such Explanations or Observations as they may think fit, and shall lay the whole of the Documents so prepared before the House of Commons on or before the Thirty-first Day of *March* in the Year following the Termination of such Abstract Account, if Parliament be sitting, or if Parliament be not sitting, then within One Week after the next Meeting of Parliament.

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

except Part of Provisional Order relating to Weston-super-Mare.

of *July* One thousand eight hundred and sixty-one, as repeals the Fourteenth, Forty-second, Forty-third, and Forty-fourth Sections of "The *Weston-super-Mare* Improvement and Market Act, 1851," recited in the said last herein-before recited Provisional Order, shall from and after the passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Limitation of Rates to 3*s.* 6*d.* in the Pound, except with Consent of Majority of Ratepayers.

2. The *Weston-super-Mare* Improvement Commissioners, acting as the Local Board within the District of *Weston-super-Mare*, shall have Power and Authority to levy Rates or Assessments within the District of such Local Board to an Amount not exceeding in the whole in any One Year the Sum of Three Shillings and Sixpence in the Pound on the annual Value of Houses, Buildings, and Property other than Land within the said District: Provided always, that if it shall at any Time appear that the said Sum of Three Shillings and Sixpence in the Pound is not sufficient it shall be lawful for the Commissioners aforesaid acting as such Local Board, with the Consent of the Majority of Ratepayers present at the annual Meeting for the Settlement of Accounts to be expressed in the same Manner as Consent to the Adoption of the Local Government Act, to increase the Rates beyond the Sum aforesaid: Provided also, that Notice of the Intention of the said Commissioners, acting as such Local Board to make any such Increase shall be given by them One Month previous to such annual Meeting, by Advertisement in some Newspaper printed or circulated within the District of the said Local Board.

Existing Mortgages to have Priority of future Mortgages.

3. All Assignments or Mortgages already granted by the Improvement Commissioners of *Weston-super-Mare* in pursuance of the Local Acts recited in the Provisional Order in the Schedule to this Act annexed relating to the District of *Weston-super-Mare*, and bearing Date the Fifteenth Day of *July* One thousand eight hundred and sixty-one, shall, during the Continuance thereof, have Priority over all Mortgages created by virtue of "The Local Government Act, 1858."

Act incorporated with 21 & 22 Vict. c. 98.

4. This Act shall be deemed to be incorporated with "The Local Government Act, 1858," and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

5. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1861, (No. 2.)"

SCHE-

## SCHEDULE of Provisional Orders referred to in the preceding Act.

1. PLYMOUTH.—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands for Street Improvements otherwise than by Agreement.
2. WESTON-SUPER-MARE.—Repealing and altering Parts of Local Acts within the District; consolidating certain Debts incurred under such Acts; and altering the Powers of rating within the said District.
3. WESTON-SUPER-MARE.—Altering the Boundaries of the District of Weston-super-Mare, as constituted for the Purposes of the Local Government Act, 1858.
4. LLANELLY.—Extending the Borrowing Powers of the Llanelly Local Board of Health.
5. LLANDILO.—Extending the Borrowing Powers of the Llandilo Local Board.

## PLYMOUTH.

*Provisional Order putting in force the Lands Clauses Consolidation Act,* 1845, *within the District of the Plymouth Local Board of Health, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Plymouth, in the County of Devon, by the Council of the said Borough, being the Local Board of Health in and for the District of the said Borough, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, confirmed by the Public Health Supplemental Act, 1854, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of widening, opening, enlarging, and improving certain streets and highways in the said Borough, such land and buildings being all situate within the District of the said Local Board of Health.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to

to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed Henry Austin, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order,—

1.—The Mayor, Aldermen, and Burgesses of the Borough of Plymouth, by the Council of the said Borough, being the Local Board of Health for the District of that Borough, shall be empowered to put in force, with reference to the land referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Fifteenth day of July 1861.

(Signed) G. C. Lewis.

Schedule referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken as described in the foregoing Order are the following:—

| Description of Lands, Messuages, Buildings, and Premises. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupier. |
|---|---|---|---|
| 1. "The White Lion" Public House, Courtlage, Stable, Skittle Alley, and Outbuildings, No. 26 in Tavistock Street, containing by Admeasurement 2,620 Feet superficial Measure. | Grace Blatchford - | James Rew - - | Richard Rowe. |
| 2. Dwelling House, Shop, Courtlage, and Outbuildings, No. 27 in Tavistock Street, containing by Admeasurement 1,184 Feet superficial Measure. | Grace Blatchford - | - - - | Josiah George Nike. |
| 3. Dwelling House, Shop, Courtlage, and Outbuildings, No. 28 in Tavistock Street, containing by Admeasurement 1,000 Feet superficial Measure. | John Millman and Alfred Millman. | - - - | Samuel Brooking Knight. |
| 4. Dwelling House, Shop, and Courtlage, No. 29 in Tavistock Street, containing by Admeasurement 703 Feet superficial Measure. | John Bickley - | - - - | John Bickley. |
| 5. Dwelling House, Three Shops, Cart House, Stable, Stores, and Courtlage, No. 4 in Tavistock Street, containing by Admeasurement 4,608 Feet superficial Measure. | William Harris - | - - - | John Langman. Thomas Cann. |

*Local Government Supplemental (No. 2.)*

| Description of Lands, Messuages, Buildings, and Premises. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupier. |
|---|---|---|---|
| 6. "Bedford Wine and Spirit Cellars" Public House, Courtlage and Brewhouse, No. 3 in Tavistock Street, containing by Admeasurement 2,160 Feet superficial Measure. | John Sloggett - | George Venecombe | George Venecombe. |
| 7. "The Turk's Head" Public House, Courtlage, and Outbuildings, No. 1 in St. Andrew Street, containing by Admeasurement 1,552 Feet superficial Measure. | Robert Scott - - | - - - | Nicholas Hesem. |
| 8. Dwelling House, Shop, and Courtlage, No. 28 in Notte Street, containing by Admeasurement 777 Feet superficial Measure. | John Randle - - | - - - | William Whitfill.<br>John Knapman.<br>Samuel Masters.<br>Elizabeth Cuddeford. |
| 9. Dwelling House, Two Shops, Courtlage, and Outbuildings, No. 29 in Notte Street, containing by Admeasurement 1,950 Feet superficial Measure. | Francis Gloyne. - | - - - | Samuel Southcott.<br>Francis Gloyne.<br>John Pike.<br>William Ellis. |
| 10. Dwelling House, Two Shops, Courtlage, and Outbuildings, No. 31 in Notte Street, containing by Admeasurement 1,878 Feet superficial Measure. | George Hearn - | - - - | Francis Nicholas.<br>William Frederick Bolt.<br>Robert Tichband.<br>John Burrows.<br>Thomas Higman.<br>Elizabeth Horswill.<br>Robert Drake.<br>Thomas Creak.<br>Mary Davis.<br>Stephen Crocker. |
| 11. Dwelling House, Shop, Courtlage, and Outbuildings, No. 32 in Notte Street, containing by Admeasurement 863 Feet superficial Measure. | Mary Ann Henry - | - - - | Richard Hammet.<br>Ellen Hayes.<br>John Magrath.<br>William Jessoff.<br>Charles Howell.<br>Jane Macarthy.<br>Mary Vennor. |
| 12. Dwelling House and Courtlage, No. 33 in Notte Street, containing by Admeasurement 378 Feet superficial Measure. | Elias Watts - - | - - . | Mary Ann Millman. |
| 13. Ale and Porter Stores and Offices, Nos. 35 and 36 in Notte Street, containing by Admeasurement 4,146 Feet superficial Measure. | George King - | Messrs. Allen & Co. | Messrs. Allen & Co. |
| 14. Dwelling House, Three Shops, Passage, Courtlage, and Outbuildings, No. 1 in Russell Street, containing by Admeasurement 1,080 Feet superficial Measure. | George Greenham -<br>John Hicks - | - . -<br>- - | Joseph Hundrey.<br>William Brooks.<br>Ann Wotton. |
| 15. Dwelling House, Two Shops, and Courtlage, No. 46 in Frankfort Street, containing by Admeasurement 304 Feet superficial Measure. | George Greenham -<br>John Hicks - | - - -<br>- - - | John Wolland.<br>John Beer.<br>James Gale.<br>Sarah Jane Hundrey.<br>Elizabeth Petherick. |

*Local Government Supplemental (No. 2.)*

| Description of Lands, Messuages, Buildings, and Premises. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupier. |
|---|---|---|---|
| 16. "Queen's Head," Public House, Courtlage, and Outbuildings, No. 45 in Frankfort Street, containing by Admeasurement 921 Feet superficial Measure. | George Ryall - | - - - | Thomas Charlick. |
| 17. Dwelling House, Shop, Courtlage, and Outbuildings, No. 43 in Frankfort Street, containing by Admeasurement 1860 Feet superficial Measure. | Samuel Foster - | Messrs. Cook & Sons | Messrs. Cook & Sons. |
| 18. Dwelling House, Shop, Court lage, and Outbuildings, No. 42 in Frankfort Street, containing by Admeasurement 1,548 Feet superficial Measure. | William Brooks Bartlett. Rev. I. H. Parlby. | William Brooks Bartlett. | William Brooks Bartlett. |
| 19. "Coal Exchange Inn" Public House and Outbuildings, No. 19, Parade, adjoining Sausage Lane, containing by Admeasurement 1,000 Feet superficial Measure. | Mary Gregory - | George Hearn - | George Hearn. |
| 20. Dwelling House and Cart House, No. 16 in Southside Street, adjoining Sausage Lane, containing by Admeasurement 644 Feet superficial Measure. | Mary Sole, Trustee for James Joll and Matthew Stranger Joll, or other the parties interested. | - - - | Joseph Baker. Ann Symons. Amy Worn. Peter Wilton. |
| 21. Dwelling House, Shop, and Courtlage, No. 15 in Southside Street, containing by Admeasurement 528 Feet superficial Measure. | John Pardew - | - - - | John Welsford. |
| 22. Coal and Hemp Stores, No. 14 in Southside Street, containing by Admeasurement 3,158 Feet superficial Measure. | Sarah Stanbury - | - - - | Thomas Pollard George Rowe. |
| 23. Stable and Stores, No. 13 in Southside Street, containing by Admeasurement 372 Feet superficial Measure. | Sarah Stanbury - | - - - | Henry Callard. |
| 24. Dwelling House, Shop, and Courtlage, No. 12 in Southside Street, containing by Admeasurement 1,372 Feet superficial Measure. | James Thorn - | - - - | John Spicer. Elizabeth Skinner. James Maddock. William Fry. Ann Roads Jane Dann. Jane Jenkins Samuel Blagdon |
| 25. Dwelling House, Shop, and Courtlage, No. 27 in Southside Street, containing by Admeasurement 578 Feet superficial Measure. | William Rowland | - - - | Solomon Zeffert. Thomas Heydon. |
| 26. Dwelling House, Shop, and Courtlage, No. 28 in Southside Street, containing by Admeasurement 1,080 Feet superficial Measure. | Henry Shapcott - | - - - | Robert Ellis. |
| 27. Dwelling House, Shop, Courtlage, and Outbuildings, No. 10 in Drake Street, containing by Admeasurement 1,770 Feet superficial Measure. | Charles Taylor - | Alfred Cotton Penrose. | Alfred Cotton Penrose. |

| Description of Lands, Messuages, Buildings, and Premises. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupier. |
|---|---|---|---|
| 28. Dwelling House, Shop, Courtlage, and Outbuildings, No. 9, in Drake Street, containing by Admeasurement 1,725 Feet superficial Measure. | Charles Taylor - | Messrs. Tuckett and Sons. | Messrs. Tuckett and Sons. |
| 29. Shop, No. 42, in Cobourg Street, adjoining Gloucester Lane, containing by Admeasurement 220 Feet superficial Measure. | Thomas Shortridge | - - - | Thomas Shortridge. Richard Shortridge. |
| 30. Garden and Passage Way in front of Dwelling House, No. 14, Oxford Place, containing by Admeasurement 240 Feet superficial Measure. | Mary Emma Vosper | - - - | Herbert Adams. |
| 31. Garden in Front of the "Valletort Inn" Public House, No. 15, Oxford Place and Passage Way adjoining, containing by Admeasurement 516 Feet superficial Measure. | William Barons - | Samuel Ball - - | Samuel Ball. |
| 32. Garden and Passage Way in Front of Dwelling House, No. 1, Claremont Street, containing by Admeasurement 252 Feet superficial Measure. | John May - - | - - - | John May. |
| 33. Garden and Passage Way in Front of Dwelling House, No. 2, Claremont Street, containing by Admeasurement 228 Feet superficial Measure. | Philip Trant - | - - . - | Patrick Mulhall. |
| 34 Stable and Store at the South End of Hoe Street adjoining the Citadel Road, and belonging to the Premises known as "Hoe Gate House," containing by Admeasurement 670 Feet superficial Measure. | Fanny Grant Wise | - - - | Fanny Grant Wise. |

## WESTON-SUPER-MARE.

*Provisional Order repealing and altering Local Acts in force within the District of Weston-super-Mare, consolidating certain Debts incurred under such Acts, and altering the Powers of Rating within the said District.—Local Government Act,* 1858.

Whereas the Weston-super-Mare Improvement Commissioners, appointed under and by virtue of the Weston-super-Mare Improvement and Market Act, 1842, and the Weston-super-Mare Improvement and Market Act, 1851, and acting as the Local Board within the District of Weston-super-Mare aforesaid, as comprised within the operation of the said Local Acts, have, under the provisions of the Local Government Act, 1858, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of certain sections of the herein-before recited Local Acts, as set forth and specified in such Petition, and that such alterations may be made in the herein-before recited Local Acts, and such powers and authorities vested in the

the Commissioners acting as such Local Board as aforesaid, as may be necessary to enable them to carry out the objects sought by such Petition.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and held in the said District in respect of the several matters mentioned in the said Petition, and report has been made to me thereon by Henry Austin, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1. The parts of the Weston-super-Mare Improvement and Market Act, 1842 (5 Vict. sess. 2. cap. 20.), and of the Weston-super-Mare Improvement and Market Act, 1851 (14 & 15 Vict. cap. 65.), specified in the Schedule hereunto annexed, shall be repealed.
2. The unrepealed parts of the aforesaid Local Acts, so far as they are not repugnant to or inconsistent with the said Local Government Act or this Order, or any byelaw which shall be lawfully made under the said herein-before last-mentioned Act, shall be incorporated with the said Local Government Act, as adopted by the aforesaid District of Weston-super-Mare, and the unrepealed parts of the said Local Acts shall be in force within the whole of the said District under the Local Government Act, 1858, and all matters arising under the said Local Acts shall be dealt with as matters arising under the said Local Government Act, 1858.

Given under my hand this Fifteenth day of July 1861.

(Signed) G. C. Lewis.

Schedule to which this Order refers.

The parts of the Weston-super-Mare Improvement and Market Act, 1842 (5 Vict. sess. 2. c. 20.), herein-before referred to in this Order, to be repealed, are the following; that is to say,

The sections numbered in the copies of the said Act as printed by Her Majesty's Printers:—20 to 72, 74 to 141, 144 to 201 all inclusive; 221 and 222, 224 to 228 both inclusive; 232, 234 to 345, both inclusive.

Also the sections numbered in the copies of the Weston-super-Mare Improvement and Market Act, 1851, as printed by Her Majesty's Printers:—5 to 7, 12 to 16, 18 to 39, 42 to 44, all inclusive, and 46.

---

WESTON-

## WESTON-SUPER-MARE.

*Provisional Order for altering the Boundaries of the District of Weston-super-Mare, in the County of Somerset, as constituted under the Local Government Act,* 1858.—*Local Government Act,* 1858.

Whereas the Weston-super-Mare Improvement Commissioners appointed under and by virtue of the Weston-super-Mare Improvement and Market Act, 1842, and Weston-super-Mare Improvement and Market Act, 1851, and acting as the Local Board within the District of Weston-super-Mare aforesaid, as comprised within the operation of the said Local Acts, under and for the purposes of the Local Government Act, 1858, have duly presented to me, as one of Her Majesty's Principal Secretaries of State, a Petition under the Provisions of the 77th Section of the Local Government Act, 1858, praying for an alteration of the boundaries of the said District of Weston-super-Mare, by the addition to and incorporation with the aforesaid District of that portion of the Parish of Weston-super-Mare, in the County of Somerset, which is known as the White Cross Estate.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition, and report has been made to me thereon by Henry Austin, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the Powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The District of the aforesaid Local Board of Weston-super-Mare, in the County of Somerset aforesaid, be altered by the addition to the present existing District of all that portion which is coloured yellow upon the plan of the Parish of Weston-super-Mare, in the County of Somerset, forwarded to me, as one of Her Majesty's Principal Secretaries of State as aforesaid, by the herein-before named Commissioners on the third day of November 1860, and which comprises all the land included within a line commencing at a point which forms the extreme south-east corner of the present boundary of the district of the Local Board, 780 links from the east side of the Uphill Road; and extending thence along the southern boundary of the Parish of Weston-super-Mare for a distance of 3,254 links to the east side of a road called the "Uphill Drove," and from thence along the eastern side of the Uphill Drove for a distance of 1,673 links to the fence separating the property of Mrs. Synge from that of the Weston-super-Mare Commissioners; and from thence along the said fence for a distance of 524 links in an easterly direction; and from thence for a distance of 151 links along the east boundary of the property of the Weston-super-

super-Mare Commissioners, in a northerly direction; thence in an easterly direction for a distance of 47 links; and thence in a northerly direction for a distance of 683 links, to a point on the north side of a road, called "The Rector's Way," 358 links from its junction with the Uphill Drove; and from thence along the north side of the said road, in a south-easterly direction, for a distance of 776 links; and from thence, extending in a northerly direction for a distance of 1,282 links, along the fence to the point where it meets the southern side of the Weston-super-Mare Branch Railway; and from thence extending in a north-westerly direction along the southern side of the said railway for a distance of 528 links; and from thence extending across the railway in a northerly direction for a distance of 1,755 links to the north side of a Highway, called the Locking Road, to a point where it again unites with the present boundary of the district of the said Local Board, 390 links eastward of the junction of the Locking Road with the Ashcombe Road.

2.—The District altered as aforesaid be styled the District of Weston-super-Mare, and at every election of members of the Local Board aforesaid which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District as altered by this Order, and by the votes of owners of, and ratepayers in respect of, property situate within the District so constituted.

Given under my Hand this Fourth day of May 1861.

(Signed) G. C. Lewis.

---

## LLANELLY.

*Provisional Order for extending the Borrowing Powers of the Llanelly Local Board of Health.—Local Government Act,* 1858.

Whereas the Public Health Act, 1848, has been duly applied to the District of the Borough of Llanelly in the County of Carmarthen.

And whereas the Local Board of Health for the said District of Llanelly have duly borrowed, under the Provisions of that Act and of the Local Government Act, 1858, sums, amounting in the whole to Fifteen thousand five hundred Pounds, to defray the expense of works for the Supply of Water to the said District, being works of a permanent nature under the aforesaid Acts; and whereas a further sum will be required to carry out and complete the said works and to carry out other works of a permanent nature, but such further sum, with the herein-before mentioned 15,500*l.*, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government

ment Act, 1858, a sum or sums which, with the amount already borrowed, shall not exceed in the whole two years assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows :—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of Llanelly in the county of Carmarthen shall have power and authority to borrow or re-borrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a sum or sums which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole two years assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Fifteenth day of July 1861.

(Signed) G. C. Lewis.

---

## LLANDILO.

### *Provisional Order for extending the Borrowing Powers of the Llandilo Local Board.—Local Government Act,* 1858.

Whereas the Local Government Act, 1858, has been duly adopted by the District of the Town and Villa of Llandilo in the Parish of Llandilofawr in the County of Carmarthen.

And whereas the Local Board for the said District of Llandilo propose to borrow, under the Provisions of the Local Government Act, 1858, the sum of Two thousand three hundred Pounds, to defray the expense of works for the Supply of Water to and Sewerage of the said District, being works of a permanent nature under the aforesaid Act; but as such sum will exceed the assessable value for one year of the premises assessable under the said Act within such District, the said Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of rates leviable by the aforesaid Local Board under the powers of the Local Government Act, 1858, a sum or sums which shall not exceed in the whole two years assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And

*Local Government Supplemental (No. 2.)*

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

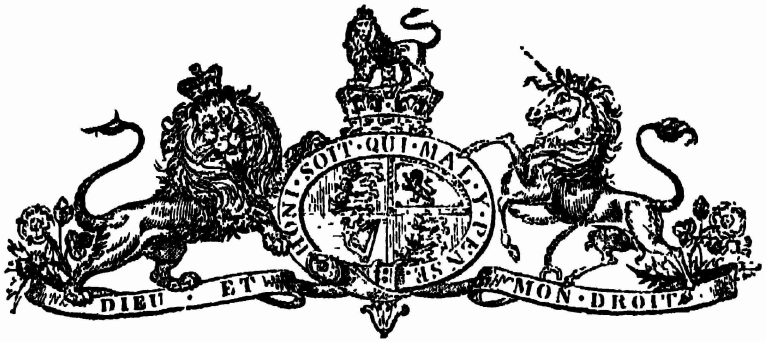
That, from and after the passing of any Act of Parliament confirming this present Order—

1.—The Local Board for the District of Llandilo in the county of Carmarthen shall have power and authority to borrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Act, a sum which shall not exceed in the whole two years assessable value of the premises assessable under such Act within the aforesaid District; the aforesaid sum to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Fifteenth day of July 1861.

(Signed) G. C. Lewis.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

*Officers of Reserve (Royal Navy).*

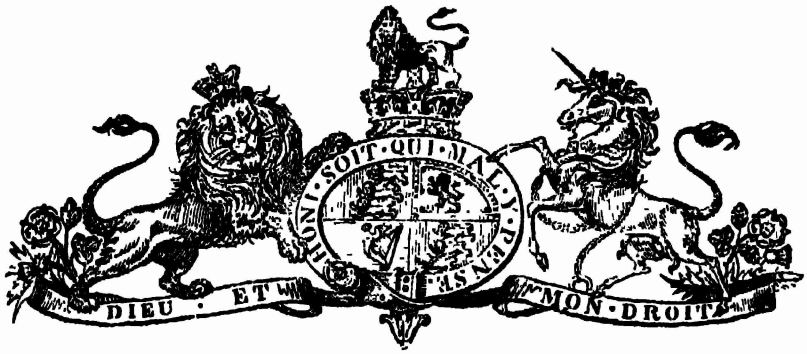
Reserve to the Royal Navy.

Officers of Reserve to the Royal Navy so many of such Persons as aforesaid as the said Lord High Admiral or the said Commissioners may deem expedient, under and subject to such Rules, Orders, and Regulations as the said Lord High Admiral or the said Commissioners may, with the Consent of Her Majesty in Council, from Time to Time establish; and such Persons so enrolled shall bear such Rank in respect to the Officers of the Royal Navy as the said Lord High Admiral or the said Commissioners shall at any Time or Times direct, and shall, when called out for Training or Exercise, or on actual Service, be subject to all the Laws, Regulations, and Customs for the Time being in force for the Government and Discipline of the Royal Navy.

Officers of Reserve or their Widows entitled to the same Pay and Pensions as Officers and the Widows of Officers of the Royal Navy.

3. Such Persons so enrolled as Officers of Reserve shall be entitled to receive such Pay and Allowances as the said Lord High Admiral or the said Commissioners, with the Consent of Her Majesty in Council, may from Time to Time appoint, and if such Persons shall be disabled, or shall receive Hurts or Wounds in actual Service, they shall be entitled to the same Allowances or Pensions for the same, and the Widows of such of them as may be killed in Action, or die from Wounds or Accidents resulting from the Performance of their Duty, shall receive the same Pensions as the Widows of Officers of the Royal Navy of corresponding Rank would be entitled to receive under similar Circumstances.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.




ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Transfer of licensing Powers.

1. All Powers of granting Licences by the said Act given to Justices of the Peace at their General Quarter Sessions shall be transferred to and vested in the Justices in Petty Sessions assembled, and the Justices shall hold Special Petty Sessions of the Peace in their several Divisions for granting such Licences at such Times as they think expedient; and all Powers thereby transferred shall be exercised by the Justices in Petty Sessions assembled within their respective Divisions in the same Manner in which the same are by the said Act required to be exercised by the Justices at their General Quarter Sessions, or as near thereto as Circumstances will admit.

Table of Fees.

2. The Justices in each Petty Sessional Division may, with the Sanction of One of Her Majesty's Principal Secretaries of State, regulate the Mode in which Applications for Licences under this Act are to be made, and make a Scale of Fees to be charged in respect of such Licences.

Construction of Act.

3. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the said Act of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine.

Section 18. of recited Act to apply to Manufacturers of Safety Fuzes.

4. And whereas it is necessary for the Manufacturers of Safety Fuzes to have and keep for the Purpose of such Manufacture large Quantities of Gunpowder: Be it enacted, That such Manufacturers shall be within and subject to all the Provisions of the Eighteenth Section of the said recited Act, in like Manner as the Manufacturers of Cartridges, Fireworks, and Rockets; and further, that it shall be lawful for such Manufacturers of Safety Fuzes to keep exclusively for the Use of such Manufacture the respective Quantities of Gunpowder mentioned in the Nineteenth Section of the said Act, in like Manner as the same may be kept for the Use of any Mine, Quarry, or Colliery, but subject to all the Restrictions and Conditions mentioned and provided in the said Section.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

23 & 24 Vict. c. 124.

Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and twenty-four: And whereas it is expedient that said Act of the Fourteenth and Fifteenth Years of Her Majesty, as amended as aforesaid, should be further continued, and that certain Acts relating to the Ecclesiastical Commissioners for *England* should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Estates of the Archdeaconry of Rochester vested in the Commissioners.

1. Whereas under the Provisions of an Order of Her Majesty in Council, bearing Date the Eighth Day of *August* One thousand eight hundred and forty-five, and published in the *London Gazette* on the Twentieth Day of the same Month, made in pursuance of an Act passed in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter Seventy-seven, the Archdeaconry of *Rochester* became on the last Avoidance thereof (which took place on the Decease, on or about the Thirteenth Day of *March* One thousand eight hundred and fifty-nine, of the Venerable *Walker King*, the Holder of the said Archdeaconry,) and now is suppressed, but the said Act does not contain any Provision for dealing with the Estates and Endowments formerly belonging to the same Archdeaconry (in addition to the Canonry in the Cathedral Church of *Rochester* which was annexed to and held therewith), and the Ownership of such Estates is now in abeyance: All the Lands, Tenements, Hereditaments, and Endowments heretofore belonging to or enjoyed with the said Archdeaconry, and all Estate, Right, Title, and Interest therein and thereto, shall become and be transferred to and absolutely vested in the said Commissioners for the Purposes of their Common Fund, and be subject to the Provisions applicable to other Hereditaments vested in them, and that they shall be entitled to the Rents, Profits, and Proceeds thereof as from the Day of the Date of the Avoidance of the said Archdeaconry as aforesaid.

14 & 15 Vict. c. 104., continued until Jan. 1, 1863.

2. The said Act of the Fourteenth and Fifteenth Years of Her Majesty, so amended as aforesaid, shall continue in force until the First Day of *January* One thousand eight hundred and sixty-three, and until the End of the then next Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

**********

## CAP. CXXXII.

## An Act for consolidating and amending the Law relating to Industrial Schools in *Scotland*.

[6th *August* 1861.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

*Preliminary.*

**1.** This Act may be cited for all Purposes as "The Industrial Schools (*Scotland*) Act, 1861." Short Title.

**2.** This Act shall extend to *Scotland* only. Limits of Act.

**3.** The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction: Interpretation of Terms.

"Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any such Industrial School as is herein-after mentioned:

"Parent" shall include any Person legally liable to maintain a Child:



"Magistrate"

"Magistrate" shall include any Sheriff, Sheriff Substitute, or Justice of the Peace of a County, or Judge in a Police Court, and any Provost or Baillie of a City or Burgh.

*Certified Industrial Schools.*

Mode of certifying Industrial Schools.

4. Her Majesty's Secretary of State for the Home Department, herein-after referred to as the Secretary of State, may, upon the Application of the Managers of any School in which industrial Training is provided, and Children are fed as well as taught, and in which Provision for clothing and lodging Children shall have been made to an Extent deemed requisite by the Person appointed as after mentioned, appoint such Person as he may think fit to examine into the Condition of the School, and to report to him thereon; and if satisfied with such Report, he may by Writing under his Hand certify that such School is fitted for the Reception of such Children as may be sent there, in pursuance of this Act, and shall cause a Copy of the Certificate to be sent to the Sheriff Clerk and to the Clerk of the Peace of the County or Ward thereof, and to the Town Clerk of every Burgh within such County in which the School is situate; but no School shall be certified under this Act and also under the Act of the Session of the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, intituled *An Act for the better Care and Reformation of youthful Offenders in* Great Britain.

Withdrawal of Certificate by Secretary of State.

5. Every Industrial School that has been certified under this Act, herein-after referred to as "a certified Industrial School," shall from Time to Time, and at least once in each Year, be inspected by a Person to be appointed by the Secretary of State; and it shall be lawful for the Secretary of State, if dissatisfied with the Condition of such School as reported to him, by Notice under his Hand, addressed to the Managers of such School, to declare that the Certificate is withdrawn, from and after a Day to be specified in such Notice, not less than Two Months after the Date thereof.

Notice of Withdrawal.

6. Any such Notice as aforesaid may be served on the Managers of such School by delivering the same personally to any One of them, or by sending it, by Post or otherwise, in a Letter addressed to them or any of them at the said School, or at the usual or last known Place of Abode of any Manager, or of the authorized Secretary, and a Copy of the Notice shall be sent to the Clerk of the Peace of the County or Ward thereof in which the School is situate, and to the Town Clerk of every Burgh within such County; and any School on the Managers of which such Notice has been served shall from

from and after the Day therein specified cease to be a certified Industrial School within the Meaning of this Act.

Local Reformatories may receive youthful Offenders and Vagrant Children.

7. Where in any City, Town, or Place there has been erected, under Local Act of Parliament or otherwise, any House of Refuge for youthful Offenders, or any Reformatory or Industrial School or other similar Institution, it shall be lawful for the Commissioners, Directors, or Managers thereof to receive and maintain therein, if willing so to do, all such young Persons as may be sent thereto under the Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Eighty-six, "for the better Care and Reformation of youthful Offenders in *Great Britain*," or the Act of the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter Eighty-seven, to amend the said recited Act, or under any of them, and to apply such Portion of the Fund under their Control as they may think proper for their Training, Maintenance, and Disposal, such House of Refuge, School, or Institution having always been previously sanctioned under the said recited Acts or either of them, as the Case may be.

Resignation of Certificate by Managers.

8. The Managers of any certified Industrial School may, upon giving Six Months previous Notice of their Intention so to do, in Writing under the Hand of One or more of them, or of the authorized Secretary, require the Secretary of State to withdraw the Certificate given to such School, and accordingly, at the Expiration of Six Months from the Date of the Notice, such Certificate shall be deemed to be withdrawn, and from thenceforth it shall not be lawful to send or receive there any more Children under this Act; but the Managers of a certified Industrial School shall not, except in manner provided by this Section, have Power, without the Consent of the Secretary of State, expressed in Writing, to withdraw from the Obligation of educating, clothing, lodging, and feeding any Children that at the Time of the giving such Notice may be in the School under any Order granted in pursuance of the Provisions of this Act, until the Certificate be withdrawn, or until such Children be removed to some other Industrial School by an Order of the Secretary of State; and if such Managers make default in so doing, they. or such of them as fail therein, shall each of them incur a Penalty not exceeding Five Pounds for each Default, to be recovered in a summary Manner before any Magistrate having Jurisdiction in the Place where such School is situate.

*Admission of Children to and their Status at School.*

Description of Children liable to be sent to School.

9. Children of the Descriptions herein-after mentioned may be sent to certified Industrial Schools in pursuance of the Provisions of this Act; that is to say,

1. Any

1. Any Child apparently under the Age of Fourteen Years found begging or receiving Alms, or being in any Street or public Place for the Purpose of begging or receiving Alms:
2. Any Child apparently under the Age of Fourteen Years that is found wandering, and not having any Home or settled Place of Abode or proper Guardianship, or any visible Means of Subsistence, or that frequents the Company of reputed Thieves:
3. Any Child apparently under the Age of Twelve Years who, having committed an Offence punishable by Imprisonment or some less Punishment, ought nevertheless, in the Opinion of the Magistrate, regard being had to his Age and to the Circumstances of the Case, to be sent to an Industrial School:
4. Any Child under the Age of Fourteen Years whose Parent represents that he is unable to control him, and that he desires such Child to be sent to an Industrial School, in pursuance of this Act, and who at the same Time gives such Undertaking or other Security as may be approved by the Magistrate before whom he is brought, in pursuance of this Act, to pay all Expenses incurred for the Maintenance of such Child at School: Provided that no Child who, on being brought before the Magistrate, is proved to have been previously sentenced to Imprisonment for any Period of more than Thirty Days, shall be deemed to be within the Provisions of this Act.

**Power to Magistrates to send Children to School.**

**10.** Any Person, whether a Constable or not, may bring before a Magistrate any Child that is herein-before declared to be liable to be sent to an Industrial School; and the Magistrate shall make full Inquiry into all the Facts of the Case, and if satisfied on such Inquiry that this Act applies to such Child, and that it is expedient to deal with him under its Provisions, may, by Writing under his Hand, order the Child to be sent, for such Period as he may think necessary, for his Education and Training, to any certified Industrial School, whether situate within his Jurisdiction or not, the Managers of which are willing to receive such Child; subject to this Qualification, that it shall be the Duty of the Magistrate to select, if possible, an Industrial School conducted in accordance with the Religious Persuasion to which the Parent of the Child appears to him to belong: Provided also, that the Magistrate shall have Power, while Inquiry is being made respecting such Child, or respecting a School to which he may be sent, to order him to be taken to the Poorshouse belonging to the Parish or Combination in which such Child has been found, or where there is no such Poorshouse, or where it is at an inconvenient Distance, to such other Place, not being a Prison, as he may appoint, and to be detained therein, at the Cost of such Parish or Combination, for any Time not exceeding Seven Days, or until an Order shall be made, previous

previous to the Expiration thereof, for the Discharge of such Child, or for his being sent to a certified Industrial School, as herein-before provided, and such Child shall be so detained accordingly by the Keeper of such Poorshouse, or by such other Person as such Order shall be addressed to.

**11.** The Managers of every such certified Industrial School may, at their Discretion, permit any Child sent there in pursuance of this Act to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, so that they educate, feed, and clothe the Child in all respects as if he were lodging in the School itself, and that they report to the Secretary of State in such Manner as he shall require every Instance in which they exercise a Discretion under this Section.

Lodging, &c. Child at School.

**12.** If the Parent or Guardian or nearest surviving Relative of any Child who may have been sent to or whom it may be intended to send to an Industrial School, under the Provisions of this Act, shall certify to the Magistrate by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making of such Order, that they object to such Child being sent to or detained in the School named or about to be named, and shall name another School or Institution in *Great Britain*, duly certified as aforesaid, and shall signify their Desire that such Child may be sent thereto, and shall prove that the Managers thereof are willing to receive such Child, and shall pay or find sufficient Security to pay any additional Expense which his or her Removal may occasion, over and above that of sending him or her to the certified School on which the Order shall be about to be made or shall have been made, and in case the Removal shall take place from one such School to another, then to pay the whole Expense, such Magistrate shall direct such Child to be sent to such last-mentioned School or Institution accordingly: Provided always, that if any such Child who shall have become chargeable to any Parish, and shall, under the Provisions of this Act, be sent from *Scotland* to any School out of *Scotland*, might have been removed from *Scotland* under the Provision of the Eighth and Ninth of Queen *Victoria*, Chapter Eighty-three, at the Instance of the Inspector of the Poor of the Parish to which such Child has become chargeable, had he or she not been sent out of *Scotland* under the Provisions of this Act, the Chargeability on such Parish for such Child shall, on his or her being so sent out of *Scotland*, cease and determine.

Children not to be sent to Schools to which Parents, &c. object.

As to Settlement and Chargeability of Children sent from Scotland to any School out of Scotland.

**13.** In the Case of any Child chargeable at the Time to any Parish, or who has been so chargeable within Three Months preceding, if

Child chargeable to Parish to be sent to

Parochial Industrial School, if any.

if there shall be in such Parish an Industrial certified School maintained by the Parochial Board thereof, and if the Inspector of the Poor of such Parish shall certify to the Magistrate who may be about to make an Order for sending such Child to a certified Industrial School, or, where such Order has been made, within Fourteen Days of the Day of making the same, that he requires such Child to be sent to the certified Industrial School in such Parish maintained by the Parochial Board thereof, such Magistrate shall direct such Child to be sent to such last-mentioned School accordingly, the Inspector of the Poor defraying the Expense of conveying such Child thither.

Limitation of Stay at School.

**14.** No Child shall in pursuance of this Act be detained against his Consent in any certified Industrial School after he has attained the Age of Fifteen Years.

Discharge of Child from School.

**15.** The Secretary of State may from Time to Time, by Writing under his Hand, remove any Child sent to an Industrial School in pursuance of this Act from one certified Industrial School to another, so that the whole Period of the Detention of such Child at Industrial Schools be not thereby increased: He may also, in like Manner, discharge any Child from an Industrial School, either absolutely or upon Condition of the Parent of such Child or any other Relation undertaking to educate, clothe, and feed him, or entering into such other Undertaking as the Secretary of State may require.

Power to discharge from School before Expiry of Period of Attendance.

**16.** It shall be lawful for any Magistrate, on the Application of the Parents or of the Directors or Managers of any certified Industrial School to which any such Child may have been transmitted, under the Provisions of this Act, or of the Inspector of the Poor of the Parish in the first instance or ultimately liable for his or her Support, if satisfied that a suitable Employment has been provided for the Child, or, in the Case of any Child falling under the Class specified in Paragraph Four of the Ninth Clause hereof, on default of the Parent to make Payment of the Expenses of the Cost of such Child's Maintenance at School, or if he shall otherwise see Cause, to discharge such Child from such School before the Expiry of the Period for which he may have been sent there.

Power to make Rules, &c.

**17.** It shall be lawful for the Directors and Managers of such Schools and Institutions as aforesaid to make all necessary Rules, Orders, and Byelaws for the Regulation and Management of the Schools and Institutions as aforesaid under their Charge, not repugnant to the Provisions of this Act; but no such Rules, Orders, or Byelaws shall

shall be enforced until they have been submitted to and approved by the Secretary of State.

*Maintenance of Children at School.*

**18.** The Commissioners of Her Majesty's Treasury, upon the Representation of the Secretary of State, may defray, out of Monies provided by Parliament for the Purpose, the whole Cost of the Maintenance of any Children sent to School, in pursuance of this Act, except such Children as are sent to School in pursuance of this Act at the Desire of their Parents, and on their Representation that they are unable to control them, at such Rate *per* Head as may be determined by him, or such Portion of the Cost as may not be recovered from the Parent of the Child in manner herein provided, or such other Portion as the Secretary of State may recommend.

Maintenance of Child at School.

**19.** The Magistrate by whom any Child is sent to School in pursuance of this Act, or any Magistrate having Jurisdiction within the District where the School is situate to which any Child is sent in pursuance of this Act, or in which the Parent of such Child shall reside, upon an Application made by any Person appointed by the Secretary of State for that Purpose, or by any Agent of such Person, shall have Authority to make an Order on the Parent of such Child either at the Time of the Child being first sent to School, or at any Time during his Continuance at School, for the Payment of the Expenses of his Maintenance at School to an Amount not exceeding Five Shillings for every Week during which the Child remains at such School, and such Order shall be held to be and shall have all the Effect of a Decree in each Week for Payment of the Sum decerned to be paid for such Week; and under the Warrant for Arrestment therein contained, and which such Magistrate is hereby authorized to grant when he sees fit, it shall be lawful to arrest weekly, for Payment of such weekly Sum as aforesaid, the Wages of the Defender due and current, and such Arrestment shall attach not only the Wages due and payable to the Defender at the Date thereof, but also the Wages current for the Week or other Term or Period in the course of which such Arrestment is executed, any Law or Statute to the contrary notwithstanding; and the Provisions of the Act of the Eighth and Ninth Years of the Reign of Her Majesty, Chapter Eighty-three, for the Punishment of Parents deserting their Children, or refusing or neglecting to maintain them, shall be held and deemed and are hereby directed to be applicable to the Case of Parents refusing or neglecting to pay the Amount so charged upon such Parents as aforesaid.

Order for Payment of Maintenance.

**20.** The

Variation of Order.

**20.** The Order made by the Magistrate may specify the Time during which the Parent is to pay the Sums thereby directed to be paid, or it may be indefinite, and until further Order; and any Magistrate having Jurisdiction to make such Order may from Time to Time vary the same whenever Circumstances require it, on the Application either of the Parent or of any Person appointed by the Secretary of State to receive the Money, or by the Agent of such Person, on Fourteen Days Notice being first given of such Application to such Person or his Agent, or to such Parent, respectively.

Case of Child chargeable to Parish.

**21.** Where any Child sent to an Industrial School in pursuance of this Act then is, or within Three Months of the Time of his being so sent has been chargeable to any Parish, the Parochial Board and Inspector of the Poor of the Parish shall, as long as he continues so chargeable, be liable to repay to the Commissioners of Her Majesty's Treasury all Expenses incurred in maintaining such Child at School in pursuance of this Act, to an Amount not exceeding Five Shillings *per* Week, and in default of Payment such Expenses may be recovered by any Person appointed by the Secretary of State, or by his Agent, in a summary Manner, before any Magistrate having Jurisdiction in the Place in which the Parish is situated: Provided always, that nothing in this Act contained shall be construed to prevent any Parochial Board on whose Funds the Cost of Support of any such Child as aforesaid shall have become a Charge from adopting such Steps for his or her Removal as may be competent to them under the Provisions of the Eighth and Ninth *Victoria*, Chapter Eighty-three.

*Absconding from School.*

Penalty on Child absconding.

**22.** If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or before being duly discharged, wilfully absconds from the School to which he is sent in pursuance of this Act, or neglects to attend thereat, or wilfully refuses to conform to the Regulations thereof, any Magistrate having Jurisdiction in the Place in which the School is situate or in which the Child is retaken may, by Writing under his Hand, order him to be sent back to the School, and to be detained there until he attains the Age of Fifteen Years, or for such shorter Period as the Magistrate thinks fit; or, instead of sending him back to such last-mentioned School, the Magistrate may commit him, under the Provisions of the Act of the Session of the Seventeenth and Eighteenth Years of *Victoria*, Chapter Eighty-six, to any Reformatory School certified under the said Act.

Penalty on inducing Child to abscond.

**23.** Any Person who directly or indirectly withdraws a Child from the certified Industrial School to which he has been sent previously

viously to his attaining the Age of Fifteen Years, or before being duly discharged, or who induces or aids him to abscond, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence incur a Penalty not exceeding Five Pounds, or shall be liable, at the Discretion of the Magistrate, to be imprisoned for any Period not exceeding Twenty Days.

*Recovery of Penalties.*

**24.** Penalties may be recovered under this Act by summary Complaint, at the Instance of the Person or Persons entitled to sue therefor, before any Magistrate having Jurisdiction in the Place where the Party complained on resides, or in which the Act for which the Penalty has been incurred was committed, according to the Form of Procedure provided by the Eighty-first Section of the Act of the Session of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Eighty-three, for the Recovery of the Penalties thereby imposed, and such Magistrate shall have and may exercise all and the like Powers as are conferred on the Sheriff for that Purpose by the said Act.

**Mode of recovering Penalties.**

*Evidence.*

**5.** Whenever the Secretary of State grants a Certificate to or withdraws it from any Industrial School, in pursuance of this Act, he shall cause a Notice of such Grant or Withdrawal to be published in the *Edinburgh Gazette* within One Calendar Month, and such Publication shall be sufficient Evidence of the Fact in all Proceedings before Justices and other Courts.

**Evidence of School being certified.**

**26.** The Order made by the Magistrate sending any Child to a certified Industrial School shall be forwarded to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

**Evidence of Order of Justices.**

**27.** Whenever it is necessary to prove that any Industrial School is duly certified under this Act, the Production of an attested Copy of the Certificate or of the Notice published in the *Edinburgh Gazette* shall be sufficient Evidence thereof; and the Production of the Order under which any Child has been sent to or is detained in any certified Industrial School under this Act, or a Copy of such Order, with a Memorandum signed by One of the Managers or their authorized Secretary, or by the Superintendent or Master or Matron of any such School, that the Child named in such Order was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, and the Production of any Order made under this Act, or a Copy thereof, certified by the Clerk to the Magistrate to be a correct Copy, shall in all Proceedings

**Evidence of Certificate of School, Identity of Child, and making of Orders.**

Proceedings whatsoever be sufficient Evidence of the due making and signing of all or any of such Orders, Memorandum, and Certificate respectively, and of the sending, Detention, and Identity of the Child or Parent named in such Orders respectively, without Proof of the Signatures of the Magistrates or other Persons appearing to have signed the same respectively.

*Forms.*

Use of Form in Schedule.

**28.** No Summons, Notice, or Order made for the Purpose of carrying into effect the Provisions of this Act shall be invalidated for Want of Form only; and the Form in the Schedule to this Act annexed, or any Form to the like Effect, may be used in the Case to which it refers, and when used shall be deemed sufficient.

*Repeal of Acts.*

Acts herein named repealed.

**29.** There shall be repealed the Acts herein-after mentioned; that is to say,

1. An Act passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-four, intituled *An Act to render Reformatory and Industrial Schools in* Scotland *more available for the Benefit of vagrant Children:*
2. An Act passed in the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Twenty-eight, intituled *An Act to make further Provision for rendering Reformatory and Industrial Schools in* Scotland *more available for the Benefit of vagrant Children:*

Provided that such Repeal shall not affect—

1. Any Certificate given or anything duly done under any Act hereby repealed:
2. Any Order made under any Act hereby repealed:
3. Any Penalty, Forfeiture, or other Punishment incurred under any Act hereby repealed, or any Remedy for recovering or enforcing the same.

Application of Act to existing certified Schools.

**30.** This Act shall apply to all Schools certified under the Acts hereby repealed or either of them, and to all Children sent to any Industrial School under the Acts hereby repealed or either of them, in the same Manner in all respects as if such Certificate had been given or Children been sent under the Provisions of this Act, with this Qualification, that no Child shall be detained at any Industrial School in pursuance of any Order made under the repealed Acts for a longer Period than he would have been detained if this Act had not passed.

Continuance of Act.

**31.** This Act shall continue in force until the First Day of *January* One thousand eight hundred and sixty-four, and no longer.

SCHE-

## SCHEDULE.

### Form (A.)

*Order sending Child to Industrial School.*

to wit. } To the Constable of and to the Managers of the certified Industrial School at

Whereas a certain Child named *A.B.* was this Day brought before me, One of Her Majesty's Justices of the Peace for the County of [*or as the Case may be*] under the Provisions of the Industrial Schools Scotland Act, 1861: Now therefore I, the said , being satisfied that the said Act applies to such Child, and that it is expedient to deal with him [*or* her] under its Provisions, order you the said Constable in pursuance of the said Act to take the said Child, and him [*or* her] safely convey to the certified Industrial School at aforesaid, and there to deliver him [*or* her], together with this Order; and I do hereby command you the said Managers to receive the said Child into your Charge in the said School, and there to detain, educate, clothe, and feed him [*or* her] for the Period of from the Date hereof.

Given under my Hand, this Day of
at in the County aforesaid.

[*Signature of Magistrate.*]

---

### Form (B.)

*Order on Parent for Payment towards the Maintenance of the Child.*

The Sheriff [*or as the Case may be*] having considered the Complaint of *E.F.*, duly authorized by One of Her Majesty's Principal Secretaries of State, made under the "Industrial Schools (Scotland) Act, 1861," and having heard Parties thereon [*or as the Case may be*, in Absence of *C.D.*, *designing him*, duly cited, but not appearing], pursuant to Section 16. of the said Act, decerns the

the *C.D.*, complained on, weekly and every Week from the Day of to pay to the said *E.F.*, or to such Person as the said *E.F.* may from Time to Time authorize to receive the same, the Sum of Shillings for the Maintenance, Clothing, Education, Care, and Training of *A.B.*, Son [*or as the Case may be*] of the said *C.D.*, now detained in the certified Industrial School of under an Order by of Date until the said Child shall attain the Age of Fifteen Years, or shall be lawfully discharged from the said School, and grants Warrant of Arrestment to be executed by any Constable or Messenger at Arms.

Given under my Hand, this Day of at in the County aforesaid.

[*Magistrate's Signature.*]

---

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

***

Majesty, Chapter One hundred and twenty, intituled *An Act for the better Local Management of the Metropolis.*

Definition of Terms.

3. "Watercourse" shall include all Rivers, Streams, Drains, Sewers, and Passages through which Water flows:

"Person" shall include any Body of Persons, corporate or unincorporate, unless there is something in the Context inconsistent therewith:

"Owner," as used throughout this Act, except where it is otherwise defined in the Provisions relating to Rating, shall have the same Meaning as it has in "The Lands Clauses Consolidation Act, 1845."

## PART I.

### Commissions of Sewers.

*Assignment of New Limits.*

Commissions of Sewers may be issued for new Areas on Recommendation of Inclosure Commissioners.

4. It shall be lawful for Her Majesty, upon the Recommendation of the Inclosure Commissioners, to be obtained on such Application and subject to such Conditions as are herein-after mentioned, to direct Commissions of Sewers into all Parts of *England*, inland as well as maritime, and to assign as the Limits for the Jurisdiction of such Commissions any Areas that may be thought most expedient, having regard to the Levels and other Facilities for Drainage within such Areas, with Power for Her Majesty to include within the Limits of any Commission of Sewers any Area to which a Commission of Sewers may not hitherto have been assigned, or any Area either wholly or partially within the Limits of an existing Commission of Sewers; subject to this Proviso, that no Alteration shall be made affecting the Jurisdiction of any Commissioners of Sewers without the Consent of a Special Meeting of such Commissioners.

Recommendation of Inclosure Commissioners to be obtained on Petition of Proprietors, after Investigation by an Inspector.

5. The following Proceedings shall be taken for the Purpose of obtaining the Recommendation of the Inclosure Commissioners to the Grant of a Commission of Sewers:

(1.) A Petition shall be presented to the Inclosure Commissioners, stating the proposed Boundaries of the Area to be comprised within the Limits of the Commission, by Reference to a Map, or in such other Manner as the Commissioners think expedient, and signed by the Proprietors of One Tenth Part of the Land within such Boundaries:

(2.) The Petition shall be supported by such Evidence as the Inclosure Commissioners require; but the Matter thereof shall not be entertained until the Petitioners have given such Security as the Inclosure Commissioners may require for the Payment

Payment of Costs in the event of the Petition being unsuccessful:

(3.) Upon the Receipt of such Petition the Inclosure Commissioners may, if they think fit, send an Inspector to the Place, for the Purpose of making Inquiries as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries, and as to the Number of Proprietors assenting to or dissenting from the Prayer of the Petition:

(4.) Before commencing such Inquiry the Inspector shall give such Notice as the Inclosure Commissioners direct of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Proprietors desirous of being heard before him on the Subject of such Inquiry, and of a further Time, being not less than Fourteen Days, within which all Proprietors intending to dissent from the Prayer of the Petition must express such Dissent:

(5.) The Inclosure Commissioners shall dismiss the Petition if the Proprietors of One Third Part of the Land within the proposed Boundaries express their Dissent from the Prayer thereof, in Writing addressed to the Inclosure Commissioners, and sent to their Office in *London* within such Time as aforesaid; but if no such Dissent be expressed, and if the Commissioners, after hearing the Report of their Inspector, approve of the proposed Boundaries, either with or without Modification, One of Her Majesty's Principal Secretaries of State shall convey an Intimation of such Approval to Her Majesty; and a Commission of Sewers for the Area as proposed by the Petitioners, or as modified by the Inclosure Commissioners, shall thereupon be issued.

**Definition of Proprietors.**

**6.** The following Persons shall be deemed to be Proprietors for the Purposes of this Act; that is to say,

(1.) Any Person entitled for his own Benefit, at Law or in Equity, for an Estate in Fee, to the Possession or Receipt of the Rents and Profits of any Freehold or Copyhold Land, whether such Land is or not subject to Incumbrances:

(2.) Any Person absolutely entitled in possession, at Law or in Equity, for his own Benefit, to a beneficial Lease of Land of which not less than Twenty-five Years are unexpired, whether such Land is or not subject to Incumbrances; but no Lease shall be deemed to be a beneficial Lease, within the Meaning of this Act, if the Rent reserved thereon exceeds One Third Part of the full annual Value of the Land demised by such Lease:

(3.) Any

(3.) Any Person entitled under any existing or future Settlement, at Law or in Equity, for his own Benefit, and for the Term of his own Life, or the Life of any other Person, to the Possession or Receipt of the Rents and Profits of Land of any Tenure, whether subject or not to Incumbrances, in which the Estate for the Time being subject to the Trusts of the Settlement is an Estate for Lives or Years renewable for ever, or is an Estate renewable for a Term of not less than Sixty Years, or is an Estate for a Term of Years of which not less than Sixty are unexpired, or is a greater Estate than any of the foregoing Estates:

(4.) The Word "Settlement," as herein used, shall include any Act of Parliament, Will, Deed, or other Assurance whereby particular Estates or particular Interests in Land are created, with Remainders or Interests expectant thereon:

(5.) Any Body Corporate, any Corporation Sole, any Trustees for Charities, and any Commissioners or Trustees for Ecclesiastical, Collegiate, or other public Purposes, entitled at Law or in Equity, in the Case of Freehold Estates or Copyhold Estates in Fee, and in the Case of Leasehold Estates to a Lease for an unexpired Term of not less than Sixty Years.

Trustees to be deemed Proprietors in certain Cases.

7. Where any Proprietor as herein-before defined is a Minor, or of unsound Mind, or a married Woman, the Guardian, Committee, or Husband, as the Case may be, of such Proprietor, shall be the Proprietor within the Meaning of this Act; subject to this Proviso, that a married Woman entitled for her separate Use, and not restrained from Anticipation, shall, for the Purposes of this Act, be treated as if she were not married.

Provision as to Proprietorship by Corporations and Companies.

8. Where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, is Proprietor of any Land, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be One Proprietor for the Purpose of giving an Assent or Dissent under this Act, and may express their Assent or Dissent in Writing under their Common Seal in the Case of a Corporation, and in any other Case under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, shall be entitled to Dissent individually as a Proprietor in respect of such Land.

Provision as to Joint Proprietors.

9. Where several Persons are Proprietors of Land as Joint Tenants, Coparceners, or Tenants in Common in undivided Moieties, they

they shall in respect of such Land be accounted as One Proprietor, but the Concurrence of the Proprietors of Two Third Parts of such Land shall be deemed to be the Concurrence of the whole.

**10.** When any Portion of Land comprised within the Boundaries referred to in any such Petition as is herein-before mentioned appears to have no Proprietor within the Meaning of this Act, or the Proprietor cannot be found, the Land so circumstanced shall be altogether excluded in any Computation that may be made of the Proportion borne by the dissenting Proprietors of any Area of Land as herein-before provided to the aggregate Number of the Proprietors of such Land.

Provision in case of no Proprietor.

**11.** Any Inspector sent by the Inclosure Commissioners in pursuance of this Act may, by Summons under his Hand, require to appear before him any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians, or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control, touching any Matter relating to the Purposes of such Inquiry; and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector, for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds, to be recovered in a summary Manner; but no Person shall be required to attend in obedience to any Summons unless the reasonable Charges of his Attendance have been paid or tendered to him.

Powers of Inspector.

**12.** All Costs, Charges, and Expenses incurred by the Petitioners or the Inclosure Commissioners in obtaining the Issue of a Commission of Sewers in pursuance of this Act shall be a Charge on the Rates leviable by the Commissioners of Sewers acting under such Commission, but if no Commission is issued all such Costs, Charges, and Expenses as aforesaid shall be defrayed by the Petitioners.

Expenses incurred in obtaining the Issue of a Commission of Sewers under this Act.



**13.** The

Evidence of Issue of Commission.

**13.** The Issue of a Commission of Sewers for any Area shall be conclusive Evidence that all the Requirements of this Act in respect of the Issue of such Commission have been complied with.

*Duration of Commission.*

Duration of Commissions of Sewers.

**14.** A Commission of Sewers once issued shall be deemed to continue until such Time as it may be superseded by Her Majesty; and Her Majesty may from Time to Time, by Writing under Her Sign Manual, fill up any Vacancies that may arise in the Body of Commissioners assigned by any Commission of Sewers.

*Quorum.*

Quorum of Commissioners.

**15.** Three Commissioners shall constitute a Quorum at any Meeting or Court of Commissioners of Sewers, except in Cases where Improvements in existing Works, or the Construction of new Works, as herein-after defined, are in question, in which Case the Quorum now required by Law shall be necessary.

*General Powers of Commissioners.*

Declaration of Powers of Commissioners.

**16.** The Powers of Commissioners of Sewers acting within their Jurisdiction shall extend to the following Acts:

(1.) To cleansing, repairing, or otherwise maintaining in a due State of Efficiency any existing Watercourse or Outfall for Water, or any existing Wall or other Defence against Water, herein-after referred to under the Expression "Maintenance of existing Works:"

(2.) To deepening, widening, straightening, or otherwise improving any existing Watercourse or Outfall for Water, or removing Mill Dams, Weirs, or other Obstructions to Watercourses or Outfalls for Water, or raising, widening, or otherwise altering any existing Wall or other Defence against Water, herein-after referred to under the Expression "Improvement of existing Works:"

(3.) To making any new Watercourse or new Outfall for Water, or erecting any new Defence against Water, to erecting any Machinery or doing any other Act not herein-before referred to, required for the Drainage, necessary Supply of Water for Cattle, Warping or Irrigation of the Area comprised within the Limits of their Jurisdiction, herein-after referred to under the Expression "the Construction of new Works:"

Provided,

(1.) That no Person shall by virtue of this Act be compelled to execute at his own Expense any Works which he would not have been compelled to execute if this Act had not passed:

(2.) That no Work shall be deemed to be a new Work that is in substitution for an old one, in Cases where such old Work is

is so much out of repair or so inefficient as to make it expedient to construct a new Work in place thereof:

(3.) That full Compensation shall be made for all Injury sustained by any Person by reason of the Exercise by the Commissioners of the above Powers:

(4.) That the Exercise of the foregoing Powers shall be subject to the Restrictions herein-after mentioned.

Restrictions as to Obstructions.

17. The Commissioners shall not be entitled to remove or otherwise interfere with any Mill Dam, Weir, or other like Obstruction, whereby the Level of the Water is raised for any milling or other Purpose of Profit, so as to injuriously affect the Supply of Water, otherwise than with the Consent of the Owner of such Mill Dam, Weir, or other like Obstruction, until the following Things have been done; that is to say,

(1.) Their Right to do so has been determined in manner herein-after mentioned:

(2.) Compensation has been made to all Parties entitled for the Injury which may be caused by such Removal or Interference.

Questions as to Right to remove any Obstructions.

18. For the Purpose of determining the Right of the Commissioners to remove or otherwise interfere with any such Dam, Weir, or other like Obstruction, there shall be decided, if the Owner consent, by Two or more Justices assembled in Petty Sessions, but if he do not consent, by Arbitration, the Questions following; that is to say,

(1.) Whether the proposed Removal or Interference is necessary for the effectual Drainage of Land within the Jurisdiction of the Commissioners:

(2.) Whether the proposed Removal or Interference will cause any Injury to the Owner:

(3.) Whether any Injury that may be caused by the Removal or Interference is or is not of a Nature to admit of being fully compensated for by Money.

Consequences of Determination of Question.

19. The Consequence of any such Decision shall be as follows; that is to say,

(1.) If the Decision is that such Removal or Interference is not necessary for the effectual Drainage of the Lands by the Commissioners, the Commissioners shall not be entitled to make the same:

(2.) If the Decision is that such Removal or Interference is necessary for the Purpose aforesaid, but that the Injury to be caused thereby is not of a Nature to be fully compensated for by Money, the Commissioners shall not be entitled to make the same:

(3.) If

(3.) If the Decision is that such Removal or Interference is necessary, and that any Injury that may be caused can be fully compensated by Money, the Commissioners shall be at liberty to make the same, upon making Compensation as herein-after mentioned.

Amount of Compensation how ascertained.

**20.** Where the Decision is that the Commissioners are entitled to remove or interfere with any such Mill Dam, Weir, or other Obstruction, the Commissioners shall take the same Steps with respect to compensating the Parties interested as are required to be taken by the said Lands Clauses Consolidation Act by Purchasers in Cases where they are authorized to purchase or take Lands by Special Act.

Restrictions as to Purchase of Land.

**21.** The Commissioners shall not by virtue of this Act purchase any Land for new Works, otherwise than by Agreement with the Owner thereof, until they have obtained the Sanction of Parliament in manner herein-after mentioned.

Publication of Notices.

**22.** The Commissioners, before applying for the Sanction of Parliament, shall do as follows; that is to say,

(1.) Publish once at the least in the *London Gazette* and once at least in each of Three consecutive Weeks in some Newspaper circulating within the Limits of their Commission an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require:

(2.) Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier of such Lands, defining in each Case the particular Lands intended to be taken, and requiring an Answer stating whether the Person so served assents, dissents, or is neuter in respect of taking such Lands; such Notice to be served

By Delivery of the same personally on the Party required to be served, or if such Party is absent abroad to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a prepaid Letter addressed to the usual or last known Place of Abode of such Party.

Petition to Inclosure Commissioners.

**23.** Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Commissioners may present a Petition to the Inclosure Commissioners. The Petition shall

shall state the Land intended to be taken, and the Purposes for which it is required. It shall pray that the Commissioners may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land, and such Prayer shall be supported by such Evidence as the Inclosure Commissioners require.

**24.** Upon the Receipt of such Petition, and upon Proof to their Satisfaction of the proper Advertisements having been published and Notices served, the Inclosure Commissioners shall take such Petition into their Consideration, and they may either dismiss the same, or they may, if they think fit, send an Inspector to the District in which the Land is situate, for the Purpose of making Inquiry as to the Propriety of assenting to the Prayer of such Petition.

Inquiries by Inclosure Commissioners.

**25.** Before commencing his Inquiry the Inspector shall give such Notice as the Inclosure Commissioners direct of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject Matter of such Inquiry.

Notice of Inquiries.

**26.** Upon the Completion of such Inquiry the Inclosure Commissioners may, by Provisional Order, empower the Commissioners to put in force with reference to the Land mentioned or referred to in such Order the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land; and it shall be the Duty of the Inclosure Commissioners as soon as conveniently may be to take all proper Steps for the Confirmation of such Provisional Order by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and to take effect accordingly; but previous to such Confirmation it shall not be of any Validity whatever.

Provisional Order by Inclosure Commissioners to be confirmed by Parliament.

**27.** All Costs, Charges, and Expenses incurred by the Inclosure Commissioners in relation to the obtaining any such Act as aforesaid shall be paid by the Commissioners out of the Rates leviable by them in pursuance of this Act, and applicable to the Works with a view to which the Provisional Order was obtained.

Expenses of obtaining Provisional Order.

**28.** Subject to the Restrictions herein contained, the Commissioners may purchase such Lands or Easements relating to Lands as they may require for the Purposes of this Act; and "The Lands Clauses Consolidation Act, 1845," and the Act amending the same, passed in the Session of the Twenty-third

Provisions of 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated with this Act.



and

and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Part of this Act, with the Exceptions and subject to the Conditions herein-after contained; that is to say,

(1.) There shall not be incorporated with this Part of this Act the Sections and Provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned; that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; Section Seventeen, whereby it is provided that the Certificate of the Justices should be Evidence that the Capital has been subscribed; the Provisions relating to the Entry upon Lands by the Promoters of the Undertaking, contained in Sections Eighty-four to Ninety-one, both inclusive; Section One hundred and twenty-three, whereby a Limit of Time for the compulsory Purchase of Land is imposed; the Provisions relating to the Manner of serving Notices; and the Provisions relating to Access to the Special Act:

(2.) In the Construction of this Part of this Act and the said incorporated Acts this Part of this Act shall be deemed to be the Special Act, and the Commissioners shall be deemed to be the Promoters of the Undertaking, and the Word "Land" or "Lands" shall include any Easement in or out of Lands.

Notice to be given of certain Works.

**29.** Previously to commencing any Improvements in existing Works, or any new Works where such Improvements or new Works involve an Expenditure of more than One thousand Pounds, the Commissioners shall cause Plans of the proposed Work and an Estimate of the Expense thereof, and of the Area within which a Rate will be required to be levied to meet such Expense, to be made, together with a List of the Names and Addresses of the Persons reputed to be Proprietors of the Land within such last-mentioned Area, with the Addition of the Number of Acres of which each Person is reputed to be the Proprietor, and shall publish their Intention to execute such Works Two Months before commencing the same, in manner following; that is to say,

By inserting in some Newspaper circulating within the Limits of their Commission, once in every Week during such Period of Two Months, a Notice explaining briefly the Nature of the Work, the Amount of Expense to be incurred, and the Area of Land within which a Rate is proposed to be levied for meeting such Expense, describing such Area by Reference to a deposited Plan, or by Boundaries, or in such other Manner as

as the Commissioners may think best calculated to give Information of their Intention, and stating a Place within the Limits of their Commission at which the Plan and Estimate of the Works and the List of reputed Proprietors may be inspected at all reasonable Hours:

By placing a Copy of such Notice for Three successive *Sundays* on the Church Door of the principal Church or some One of the Churches of the Parish or Parishes in which such Works are to be done, or, in the Case of any Extra-parochial Place, of some Parish immediately adjoining thereto.

**Correction of List of Proprietors.**

**30.** Any Person interested may, at any Time before the Expiration of such Two Months as aforesaid, apply to the Commissioners to correct the List of reputed Proprietors by inserting or expunging the Name of any Person or by altering the Number of Acres appropriated by such List to any Proprietor, and the Commissioners shall hear any Application so made, and shall amend the List accordingly, and the Decision of the Commissioners in respect of such List shall be final; and at the Expiration of the Period of Two Months, or of such further Period as the Commissioners may fix for the Purpose of hearing any Application made within such Period of Two Months, the List as settled by the Commissioners shall be conclusive Evidence of Proprietorship for the Purpose of ascertaining the Proportion of dissenting Proprietors as herein-after mentioned.

**Dissent of Proprietors of One Half of Area conclusive against new Works.**

**31.** If within such Period of Two Months the Proprietors of One Half of the Area of Land within which a Rate is according to the Notice proposed to be levied declare in Writing to the Commissioners, by Notice left at their Office, that they are unwilling that such Work should be executed, the Commissioners shall take no further Steps therein; but if no such Declaration of Dissent is made, the Commissioners may at the Expiration of such Period of Two Months commence the proposed Work, and repay out of the Rates to be levied by them within the Area all Expenses incurred, not exceeding the Estimate published in the Notice.

**Provision in case of no Proprietor.**

**32.** If the Commissioners are unable to discover the Proprietor of any Lands they shall give Notice to that Effect in the List of reputed Proprietors made by them, and such Land shall, in the event of no Proprietor proving his Title to have his Name inserted in the List before the Period herein-before named for the Completion of the List, be altogether excluded in any Computation that may be made of the Proportion borne by the dissenting Proprietors of any Area of Land as herein-before provided to the aggregate Number of the Proprietors of such Land.

**33.** Com-

*Drainage of Land.*

Jury may be dispensed with under certain Conditions.

**33.** Commissioners of Sewers, acting within their Jurisdiction, may, without the Presentment of a Jury, make any Order in respect of the Execution of any Work, the levying of any Rate, or doing any Act which they might but for this Section have made with such Presentment; subject to this Proviso, that any Person aggrieved by any such Order made by the Commissioners without the Presentment of a Jury may appeal therefrom in manner herein-after mentioned.

*Liabilities by reason of Tenure.*

Power to commute Liabilities to repair by reason of Tenure.

**34.** The Commissioners may, with the Consent of the Inclosure Commissioners, testified in Writing under their Common Seal, commute, for such Sums of Money as they think expedient, the Obligation imposed on any Person, by reason of Tenure, Custom, Prescription, or otherwise, to repair any Walls, maintain any Sewer, or do any other Work within their Jurisdiction.

Nature of Commutation.

**35.** Any Commutation so made may be by way of gross or annual Charge on the Lands of the Person in respect of which the original Obligation arose; and any Charge so created shall be recoverable by the Commissioners in the same Manner in which Tithe Rentcharge is recoverable, and shall have Priority over all Incumbrances created or to be created by any Proprietor of the Lands on which the same is charged.

Deposit of Record of Commutation.

**36.** The Record of any such Charge as aforesaid shall be deposited in the Office of the Clerk of the Peace of the County in which the District or the greater Part of the District within the Jurisdiction of the Commissioners is situate; and such Record, or any certified Copy thereof, shall be receivable in Evidence in all legal Proceedings.

Saving of existing Liabilities to repair.

**37.** Subject to the Provisions herein-before contained as to Commutation of Liability, the Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer or Drain, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea or of any River, or doing any other Work within the Jurisdiction of the Commissioners, shall continue, and the same may be enforced as if this Act had not passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

*Rating*

*Rating Powers.*

**38.** The following Regulations shall be observed with respect to Rates leviable by Commissioners of Sewers; that is to say, Regulations as to Rating.

First—As to the Purposes of the Rate:

Rates may be levied by Commissioners of Sewers for defraying all Costs, Charges, and Expenses incurred or to be incurred by them under the Authority of any Act of Parliament, Law, or Custom:

Second—As to the Incidence of the Rates:

(1.) A Rate levied by the Commissioners for the Purposes of defraying the Expense of any Improvements in existing Works or any new Works, where such Improvements or new Works involve an Expenditure of more than One thousand Pounds, shall be deemed to be a Special Rate, and shall be deemed to be a Tax on the Owners of Property, but, except such Special Rate, Rates leviable by the Commissioners shall be payable by the same Persons, in respect of the same Property, and in the same Manner as they are now by Law payable:

(2.) Where the Owner of any Land makes default in paying the Amount of any Rate due from him, such Amount may be levied upon and Payment thereof enforced against the Occupier of such Land, and his Goods and Chattels, in like Manner as if the same were a Rate due from such Occupier, with this Limitation, that no Occupier shall be liable to pay on account of any Owner any Sum exceeding the Rent due or that may accrue due to such Owner during the Period of his Occupancy; and subject to this Proviso, that any Occupier may, in the Absence of any Agreement to the contrary, deduct the Sum so paid by him from any Rent due or to accrue due to such Owner; and the Receipt of the Commissioners for any Rate paid by the Occupier under the Circumstances mentioned in this Section shall, to the Extent of the Monies therein expressed to be paid, be a Discharge as against such Owner of an equivalent Amount of Rent:

(3.) "Owner of Land" for the Purposes of this Section shall mean the Person for the Time being entitled to receive the Rackrent of the Land in respect of which the Rate is made on his own Account, or who would be entitled to receive the same if such Land were let at a Rackrent, including under the Term "Rackrent" any Rent which is not less than Two Thirds of the net annual Value of the Land out of which the Rent issues:

*Drainage of Land.*

Third—As to the Assessment of the Rate:

(4.) Whenever the Name of any Owner or Occupier liable to be rated to the Sewers Rate is not known to the Commissioners, it shall be sufficient to assess and designate him in the Rate as "the Owner or Occupier," as the Case may be, of the Land in respect of which the Assessment is made, without further Description:

Subject as aforesaid, and without the Presentment of a Jury, but with such Right of Appeal as herein-after mentioned, Sewers Rates may be assessed, levied, and enforced in the same Manner in which they have heretofore been assessed, levied, and enforced; but nothing in this Section contained shall affect any Agreement between Landlord and Tenant.

Overseers to allow Inspection of Poor Rates.

**39.** For the Purpose of assessing the Sewers Rate, any Person appointed by the Commissioners may inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within the District; and if any Officer having the Custody of such last-mentioned Rate refuses to permit any such Inspection, or the taking of any such Copies or Extracts, he shall for each Offence incur a Penalty not exceeding Five Pounds, to be recovered in a summary Manner.

*Mortgage of Rates.*

Mortgage of Rates.

**40.** The Commissioners may, for the Purposes of defraying any Costs, Charges, and Expenses incurred or to be incurred by them under the Authority of any Act of Parliament, Law, or Custom, borrow and take up at Interest on the Credit of the Rates authorized to be levied by them any Sums of Money necessary for defraying such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums of Money so borrowed, together with such Interest as aforesaid, the Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) The borrowing such Money shall be sanctioned by an Order of the Inclosure Commissioners:

(2.) Any Money so borrowed may, by Agreement with the Mortgagee, be paid off by equal annual Instalments of Principal and Interest, and such borrowing may be for such Time, not exceeding Thirty Years, as the Commissioners, with the Sanction of the Inclosure Commissioners, determine in each Case:

And in Cases where the Commissioners borrow any Money for the Purpose of defraying Expenses in respect of which they have determined

determined a Part only of the District within their Jurisdiction to be liable, it shall be the Duty of the Commissioners, as between the Ratepayers of the District, to repay the Money so borrowed, with Interest thereon, out of Rates to be levied on such Part of the District only.

**41.** The Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Part of this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver.

Certain Clauses of 10 & 11 Vict. c. 16. incorporated.

*Legal Proceedings.*

**42.** Where any Notice is required to be given by the Commissioners such Notice shall in all Cases be sufficiently executed if signed by the Clerk to the Commissioners; and every Notice purporting to be signed by such Clerk shall be receivable in Evidence before all legal Tribunals, and in all legal Proceedings, without any other Proof.

Notices by Commissioners how to be signed.

**43.** All Notices served by the Commissioners on any Proprietor or Owner shall, if due Service thereof has been made, be binding on all Persons claiming by, from, or under such Proprietor or Owner, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively.

Notices to be binding on Assigns.

**44.** Except where a special Mode of Service is provided by this Act, all Notices required to be served by the Commissioners upon any Proprietor or Owner of Lands shall either be served personally on such Parties, or be left at their last usual Place of Abode, if any such can after diligent Inquiry be found, but in case any such Parties are absent from the United Kingdom, and their last usual Place of Abode cannot be found after diligent Inquiry, such Notices shall be left with the Occupier of such Lands, or if there be no such Occupier, shall be affixed upon some conspicuous Part of such Lands.

Notices on Owners to be served personally, or left at their Places of Abode.

**45.** If any Proprietor or Owner on whom Notice is to be served is a Corporation Aggregate, or Joint Stock or other Company or Body of Proprietors or Undertakers, such Notice shall be left at the principal Office of such Corporation, Company, or Body, or if no such Office can after diligent Inquiry be found, shall be served on some Agent, if any, of such Corporation, Company, or Body, but if no such Officer or Agent can be found it shall be left with the Occupier of the Lands, or if there be no such Occupier shall be affixed on some conspicuous Part of such Lands.

Notices to Corporations to be left at their principal Office.

**46.** Except

Service of Notices on Occupiers.

**46.** Except where a special Mode of Service is provided by this Act, all Notices required to be served by the Commissioners upon the Occupier of any Land shall either be served personally on him or be left at his last usual Place of Abode, if any such can after diligent Inquiry be found, and in case he is absent from the United Kingdom, and his last usual Place of Abode cannot be found after diligent Inquiry, it shall be affixed on some conspicuous Part of such Premises.

Appeal to Quarter Sessions.

**47.** Where any Order, Requisition, or Rate has been made by the Commissioners, or any Act done by them, without the Presentment of a Jury in pursuance of the Powers of this Act, any Person aggrieved by such Order, Requisition, or Rate may appeal to the Court of Quarter Sessions against any such Order, Requisition, Rate, or Act, and the Court may confirm, annul, or modify the same accordingly; but no such Appeal shall be entertained unless it is made within Four Months next after the making of such Order or Requisition, or the making such Rate, or the doing of such Act, nor unless Ten Days Notice in Writing of such Appeal, previously to the Quarter Sessions, stating the Nature and Grounds thereof, is served on the Commissioners, nor unless the Appellant, within Four Days after the Service of such Notice, enter into Recognizances with Two sufficient Sureties, before a Justice of the Peace, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Power to refer Case to Arbitration.

**48.** If at any Time after such Notice of Appeal has been given and such Recognizance has been entered into as aforesaid it appears to the Court of Quarter Sessions, on the Application of either Party, that the Matter in question in such Appeal consists wholly or in part of Matters of mere Account, or of Engineering or other Scientific Questions, which cannot be satisfactorily tried by the Court, it shall be lawful for such Court to order that such Matters, either wholly or in part, be referred to the Arbitration of One or more Persons, to be appointed by the Parties, or, in case of Disagreement, by the Court; and the Award made on such Arbitration shall be enforceable by the same Process as the Order of the Court of Quarter Sessions.

17 & 18 Vict. c. 125. incorporated.

**49.** The Provisions of "The Common Law Procedure Act, 1854," relating to compulsory References, shall be deemed to extend to Arbitrations directed by the Court of Quarter Sessions; and the Word "Court" in the said Act shall be deemed to include the Court of Quarter Sessions.

Decision of Questions by Justices or Arbitration.

**50.** Where any Questions are declared by this Part of this Act to be determinable, at the Option of the Owner, by Justices or by Arbitration,

Arbitration, the Owner shall be deemed to have declared his Assent to the Determination thereof by Justices, unless he require the Commissioners to refer the same to Arbitration, by Notice under his Hand, served on the Commissioners within Ten Days after he has received Notice from them of their Intention to have such Questions determined; and where the Justices have Cognizance of the Case, the same Proceedings shall be had as are required under "The Lands Clauses Consolidation Act, 1854," in case of a Question of disputed Compensation authorized to be settled by Two Justices; and where such Questions are referred to Arbitration, the same Proceedings shall be had as required by the said Act where any Question of disputed Compensation authorized to be settled by Arbitration has arisen; subject to this Proviso, that the Costs of such Arbitration shall be in the Discretion of the Arbitrators.

**Recovery of Penalties.**

**51.** All Penalties and Sums of Money directed to be recovered in a summary Manner shall be recovered before Two Justices in manner directed by the Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales, *with respect to Summary Convictions and Orders*, and of any Act amending the same.

**Costs of legal Proceedings on Part of Commissioners.**

**52.** All Costs, Charges, and Expenses incurred by the Commissioners in instituting or defending any legal Proceedings instituted or defended by them in their Character of Commissioners may be defrayed out of the Rates leviable by them, and no Commissioner shall be personally liable in respect of any such Costs, Charges, or Expenses.

*Tender of Amends.*

**Tender of Amends.**

**53.** If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act or any Act relating to Commissioners of Sewers, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party makes Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender has been made it shall be lawful for the Defendant, by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

*Saving Clauses and Miscellaneous.*

Saving Rights of Canal Owners and Wharfingers.

**54.** Nothing in this Act shall authorize the Commissioners or any Drainage Board or Owner—

(1.) To interfere with any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, irrigating, or improving Land under any Local or Private Act of Parliament, so as to injuriously affect the same;

(2.) To interfere with any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or the Supply of Water to any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation on such River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or the Use or Maintenance thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, Lock, Reservoir, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues;

(3.) To interfere with the Works or Supply of Water of any Body or Persons, corporate or unincorporate, supplying Water to any Town or Place, so as to injuriously affect the same;

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, belonging to the Proprietor or Proprietors of any Inland Navigation constituted by Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues;

Without the Consent of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are hereinbefore in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of Individuals under their Hands, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, or Trustees, under the Hand of their Clerk or other duly authorized Officer or Agent.

**55.** Nothing

**55.** Nothing in this Act shall authorize the Commissioners to divert any River in such Manner as to injure or to diminish the Supply of Water to any Harbour without the Consent of the Conservators or other Authority having the Management of such Harbour.

Commissioners not to divert Rivers so as to injure Harbours.

**56.** Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal, or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual and certified as such by the Surveyor of the Commissioners or Drainage Board, take up, divert, or alter the Level of Sewers, Drains, Culverts, or Pipes constructed by the Commissioners or Drainage Board and passing under or interfering with or with the Improvement or Alteration of such River, Canal, Dock, Harbour, or Basin, or the Towing-path of such River, Canal, Dock, Harbour, or Basin, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Power for Canal Commissioners to alter Sewers.

**57.** Nothing in this Act shall be construed to make liable to the Control of the Commissioners any River, Canal, or Inland Navigation, or the Cuts, Reservoirs, Feeders, or other Works belonging thereto, in Cases where such River, Canal, or Inland Navigation is now under the Provisions of any Local or Private Act of Parliament exempt from such Control.

Exemptions under Local Acts preserved.

**58.** No Person shall, without the Consent of the Commissioners, cause any filthy or unwholesome Water or Washings of Manufactories or Mines, or other foul or poisonous Liquid, to flow into any Watercourse within the Jurisdiction of the Commissioners of Sewers; and any Person offending against this Enactment shall incur a Penalty not exceeding Five Pounds, and a further Penalty of Forty Shillings for every Day during which the Offence is continued; but this Section shall not apply to any Person having a legal Right to cause such Water, Washing, or Liquid as aforesaid to flow into any existing Watercourse.

Penalty for draining into Sewers without Consent of Commissioners.

**59.** Commissioners of Sewers having Jurisdiction within any Area may, with the Consent of the Commissioners of Sewers having Jurisdiction within any adjoining Area, do and execute in such adjoining Area any Works that such first-mentioned Commissioners might

Powers of Commissioners of Sewers and Drainage Boards to

enter into Arrangement.

might do and execute within their own Area, upon such Terms as to Payment or otherwise as may be agreed upon between the said Bodies of Commissioners; and any Sums agreed to be paid by any Body of Commissioners, in pursuance of this Section, shall be payable out of the Rates leviable by such Commissioners, in the same Manner as if the Expenses had been incurred within their own Area; and the Powers hereby given to one Body of Commissioners in relation to another Body of Commissioners may be exercised by them in relation to any Drainage Board constituted under this Act, or by any such Drainage Board in relation to any other Drainage Board.

Powers of Act cumulative.

**60.** All Powers given by this Part of this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on Commissioners of Sewers by Act of Parliament, Law, or Custom; and Commissioners of Sewers may exercise such other Powers in the same Manner as if this Act had not passed; and notwithstanding anything in this Act contained, Commissions of Sewers may be issued by Her Majesty in manner in which the same have been issued previously to the passing of this Act.

Not to affect Contracts between Landlord and Tenant.

**61.** Nothing in this Act shall alter, interfere with, or affect any Lease, Contract, or Agreement that may have been entered into between Landlord and Tenant before the passing of this Act.

Provision in case of Alteration of Local Boundaries.

**62.** Where in exercise of any Powers given by this Act any Watercourse forming a Boundary Line between Two or more Counties, Hundreds, Parishes, or other Areas defined by Law, is straightened, widened, or otherwise altered so as to affect its Character as a Boundary Line, the Commissioners, Board, Persons, or Person under whose Authority such Alteration is made shall forthwith report the same to the Inclosure Commissioners, and the Inclosure Commissioners, if satisfied that a new Boundary Line may be adopted with Convenience, shall, by Notice to be published in the *London Gazette* and in such other Manner as they may direct, declare that the Watercourse, as altered, shall either wholly or partially be substituted for the former Boundary Line, and the Limits of the Areas of which the Watercourse, when unaltered, was the Boundary shall be deemed to be varied accordingly; but if the Inclosure Commissioners are of opinion that a new Boundary cannot wholly or partially be adopted with Convenience, they shall require the Commissioners, Board, Persons, or Person under whose Authority the Alteration in the Watercouse was made to set out a Boundary upon the Line of the Watercourse as it existed before its Alteration, or in a new Course in lieu thereof, in such Manner as the Inclosure Commissioners approve; and

and a Copy of the *London Gazette* containing the Advertisement in respect of any Alteration of Boundary made in pursuance of this Section shall be admitted as Evidence in all Courts of Justice of the Fact of such Alteration having been made.

## PART II.

### *Elective Drainage Districts.*

**Constitution of Elective Drainage Districts.**

**63.** Any Persons or Body of Persons, corporate or unincorporate, being Proprietors of not less than One Tenth Part in Acreage of any Bog, Moor, or other Area of Land that requires a combined System of Drainage, Warping, or Irrigation, may, with the Consent of the Inclosure Commissioners, and subject to the Confirmation of Parliament as herein-after mentioned, constitute such Bog, Moor, or other Area a separate Drainage District; subject to this Proviso, that no Place within the Limits of any Commission of Sewers, or of any Borough, or of any District under the Management of a Local Board of Health, or of Improvement Commissioners, shall form a separate Drainage District or any Part thereof, without the Consent of the Commissioners of Sewers, Council, Local Board of Health, or Improvement Commissioners having Jurisdiction in such Place.

**Mode of constituting Elective Drainage District.**

**64.** The following Proceedings shall be taken for the Purpose of obtaining the Sanction of the Inclosure Commissioners:

(1.) A Petition shall be presented to them, stating the proposed Boundaries of the District, by Reference to a Map, or in such other Manner as the Inclosure Commissioners think expedient: It shall be signed by such Proprietors as aforesaid, and be supported by such Evidence as the Inclosure Commissioners require;

(2.) Upon the Receipt of such Petition, the Inclosure Commissioners shall send an Inspector to the District, for the Purpose of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto:

(3.) The Inspector shall proceed to the District, and shall ascertain the Opinion of the Proprietors in respect to the Constitution of the District:

(4.) The Inspector shall report the Result of his Inquiries to the Inclosure Commissioners, and they may, if satisfied with the Propriety of constituting the District, and that the Proprietors of

of Two Third Parts of such Bog, Moor, or other Area are in favour thereof, make a Provisional Order declaring the Area in such Order mentioned to be a Drainage District:

(5.) Notice of the Provisional Order shall be published in the *London Gazette* and in some other Newspaper circulating in the District to which it relates, and Copies thereof shall be served in such Manner and upon such Persons as the Inclosure Commissioners may require:

(6.) Upon the Receipt of the Report of the Inspector the Inclosure Commissioners may, by Provisional Order under their Seal, constitute the Area mentioned in the Petition, with such Alterations of Boundaries, if any, as they think fit, a separate Drainage District; and it shall be the Duty of the Inclosure Commissioners, as soon as conveniently may be, to take all proper Steps for the Confirmation of such Provisional Order by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and take effect accordingly; but previous to such Confirmation it shall not be of any Validity whatever:

(7.) No Petition for constituting an Elective Drainage District under this Act shall be entertained until the Petitioners have given such Security for Costs as the Inclosure Commissioners require; and in the event of a Drainage District not being constituted in pursuance of a Petition, the Petitioners shall pay all Costs, Charges, and Expenses, including the Expense incurred by the Inclosure Commissioners and their Inspector; but in the event of the Drainage District being constituted, such Costs, Charges, and Expenses shall be a First Charge on the Rates leviable in the District in pursuance of this Act.

Evidence of Constitution of District.

**65.** The making of a Provisional Order shall be conclusive Evidence that all the Requirements of this Act in respect of Proceedings required to be taken previously to the making of such Provisional Order have been complied with.

*Drainage Boards.*

Constitution of Drainage Boards.

**66.** The Superintendence of Matters relating to Drainage within a Drainage District shall be vested in a Board herein-after called a Drainage Board, and such Board shall be a Body Corporate, with perpetual Succession and a Common Seal, having a Capacity to hold Lands for all the Purposes of their Constitution.

Powers of Drainage Board.

**67.** All Powers by this Act or by any other Act of Parliament, Law, or Custom vested in or exerciseable by Commissioners of Sewers within

within the Limits of their Jurisdiction may, upon the Constitution of a Drainage District, be exercised by the Drainage Board of such District within its Limits; and all Powers hitherto exerciseable by Commissioners of Sewers within such District shall cease; subject to this Proviso, that any Person aggrieved by any Order, Requisition, or Rate made by the Drainage Board, or any Act done by them, may appeal therefrom in the same Manner in which he is by this Act authorized to appeal against any Order, Requisition, or Rate made by the Commissioners or any Act done by them.

**Regulations as to Drainage Boards.**

**68.** Subject to any Provisions to the contrary that may be made by the Provisional Order constituting the District, the following Regulations shall be made with respect to Drainage Boards:

(1.) The Members of the First Drainage Board shall be named in the Provisional Order, and such Order shall fix the Number of which the Board is to consist, the Mode of summoning the First Meeting of the Board, the Qualification of subsequent Members of the Board, and the Time at which the First Members of the Board are to vacate their Offices, such Time not being later than the End of the Month of *September* in the Year following that in which the Provisional Order is confirmed by Parliament:

(2.) The Members of every Board succeeding the First Board shall vacate their Offices on the First *Thursday* in *September* in each succeeding Year, or on such other Day in *September* as may be prescribed by the Board:

(3.) The Offices of vacating Members shall be filled up by an equal Number of qualified Persons to be elected as hereinafter mentioned:

(4.) Every Member of a Drainage Board going out of Office shall be re-eligible, and if at any Time when an Election of Members ought to take place the Places of any retiring Members are not filled up the retiring Members whose Places are not filled up shall continue in Office until the succeeding Year:

(5.) Any casual Vacancy occurring in the Board may be filled up by the Board; but any Person so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(6.) During any Vacancy in the Board the continuing Members shall act as if such Vacancy had not occurred:

(7.) If a Member of a Drainage Board is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or compounds with his Creditors,

Creditors, such Person shall cease to be a Member of the Board, and his Office shall thereupon be vacant:

(8.) Any Person who acts as Member of a Drainage Board without being duly qualified, or after he has become disqualified, shall incur a Penalty not exceeding Fifty Pounds; and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken:

(9.) All Acts done by any Meeting of a Drainage Board or of any Committee of a Drainage Board, or by any Person acting as a Member of a Drainage Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Board or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Rules to be observed with respect to Electors of Drainage Board.

**69.** Subject to any Provisions to the contrary that may be made by the Provisional Order constituting the District, the following Rules shall be observed with respect to the Electors of Drainage Boards:

(1.) The Electors for Members of a Drainage Board for any District shall be the Persons who have during the Year immediately preceding such Election been rated to the Sewers Rate of the District, and have paid all Sewers Rates due from them at the Time of their Election:

(2.) Each Elector shall vote according to the following Scale; that is to say,

If the Property in respect of which he is entitled to vote be rated upon a rateable Value of less than Fifty Pounds he shall have One Vote;

If such rateable Value amount to Fifty Pounds and be less than One hundred Pounds he shall have Two Votes;

If it amount to One hundred Pounds and be less than One hundred and fifty Pounds he shall have Three Votes;

If it amount to One hundred and fifty Pounds and be less than Two hundred Pounds he shall have Four Votes;

If it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds he shall have Five Votes;

If it amount to Two hundred and fifty Pounds he shall have Six Votes;

If it amount to Five hundred Pounds and be less than One thousand Pounds he shall have Eight Votes;

If it amount to or exceed One thousand Pounds he shall have Ten Votes.

**70.** Subject

*Drainage of Land.*

**70.** Subject to any Provisions to the contrary that may be made by the Provisional Order constituting the District, the Mode of electing Members of Drainage Boards, and the Proceedings of Drainage Boards, shall be conducted in manner directed by the Schedule annexed hereto.

Mode of Election of Drainage Boards, and Proceedings hereof.

**71.** The Provisions of the Commissioners Clauses Act, 1847, with respect to—

(1.) The Contracts to be entered into and Deeds to be executed by the Commissioners;

(2.) The Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;

(3.) The Appointment and Accountability of Officers of the Commissioners;

(4.) The Accounts to be kept by the Commissioners;

(5.) The giving Notices and Orders,

shall be incorporated with this Part of this Act; and in the Construction of this Part of this Act and the said incorporated Provisions, Part Two of this Act, and the Act of Parliament confirming the Provisional Order, shall together constitute "the Special Act."

Certain Provisions of 10 & 11 Vict. c. 16. incorporated.

---

## PART III.

*Power of Private Owners to procure Outfalls.*

**72.** Any Person interested in Land, who is desirous to drain the same, and in order thereto deems it necessary that new Drains should be opened through Lands belonging to another Owner, or that existing Drains in Lands belonging to another Owner should be cleansed, widened, straightened, or otherwise improved, may apply to such Owner, who is herein-after referred to as the adjoining Owner, for Leave to make such Drains or Improvements in Drains through or on the Lands of such Owner.

Application for Outfall to adjoining Owner.

**73.** Any such Application as aforesaid shall be by Notice in Writing, under the Hand of the Applicant, and shall be served on the Owner, and also on the Occupier, if the Owner be not the Occupier, in manner in which Notices are required to be served on Owners and Occupiers under the First Part of this Act. The Notice shall state the Nature of such Drains or Improvements in Drains, be accompanied by a Map, on which the Length, Width, and Depth of the proposed Drains or Improvements in Drains shall be delineated, and shall further state the Compensation, if any, which the Applicant proposes to pay.

Mode of making Application.



**74.** The

Assent of adjoining Owner.

**74.** The adjoining Owner may, by Deed under his Hand and Seal, assent to such Application, upon such Terms and on Payment of such Compensation as he may require, and any Assent so given shall be binding on all Parties having any Estate or Interest in the Land, subject to the following Provisions:

1stly. That any Arrangement entered into by any adjoining Owner under any Disability or Incapacity, or not having Power to assent to such Application, except under the Provisions of this Act, shall not be valid unless the same is approved by Two Surveyors, one of whom is to be nominated by the Applicant, and the other by the adjoining Owner; and each of such Surveyors, if they approve of the Arrangement, shall annex to the Document containing the same a Declaration to that Effect, subscribed by them:

2ndly. That any Compensation to be paid by the Applicant to the adjoining Owner in Cases where such Owner is under any Disability or Incapacity, or has not Power to assent to such Application, except under the Provisions of this Act, shall be applied in manner in which the Compensation coming to Parties having limited Interests, or prevented from treating, and not making Title, is applicable, under "The Lands Clauses Consolidation Act, 1845:"

3rdly. That any Occupier or Person other than the Owner interested in the Lands shall be entitled to Compensation for any Injury he may sustain by the making of the proposed Drains or Improvements in Drains, so that the Claim therefor be made within Twelve Months after Completion of such Drains or Improvements in Drains, the Amount of such Compensation to be determined, in case of Dispute, in the Manner in which disputed Compensation for Land is required to be determined by the said "Lands Clauses Consolidation Act, 1845."

Record of Assent of adjoining Owner.

**75.** The Applicant shall forward to the Clerk of the Peace of the County, Riding, or Division of the County wherein the Land is situate the Deed containing the Assent of the adjoining Owner to the proposed Drains or Improvements in Drains, who shall keep the same in his Office as a Record of the Proceedings between the Parties.

Dissent of adjoining Owner.

**76.** The adjoining Owner shall be deemed to have dissented from the Application made to him if he fail to express his Assent thereto within One Month after the Service of the Notice of Application on him; and in the event of such Dissent there shall be decided, by Two or more Justices in Petty Sessions assembled, unless the adjoining Owner

Owner require the same within such Period of One Month to be decided by Arbitration, the Questions following; that is to say,

(1.) Whether the proposed Drains or Improvements in Drains will cause any Injury to the adjoining Owner, or to the Occupier or other Person interested in the Lands:

(2.) Whether any Injury that may be caused is or is not of a Nature to admit of being fully compensated for by Money:

And the Provisions of the First Part of this Act relating to the Decision of the Questions therein mentioned shall apply to the Decision of the Questions mentioned in this Section.

Result of Decision.

The Result of any such Decision shall be as follows; that is to say,

(1.) If the Decision is that no Injury will be caused to the adjoining Owner, to the Occupier, or other Parties interested in the Lands, the Applicant may proceed forthwith to make the proposed Drains or Improvements in Drains:

(2.) If the Decision is that Injury will be caused to the adjoining Owner, Occupier, or other Parties interested in the Lands, but that such Injury is of a Nature to admit of being fully compensated by Money, the Justices or Arbitrators shall proceed to assess such Compensation, and to apportion the same amongst the Parties in their Judgment entitled thereto; and on Payment of the Sum so assessed the Applicant may proceed to make the proposed Drains or Improvements in Drains:

(3.) If the Decision is that Injury will be caused to the adjoining Owner, Occupier, or other Parties interested in the Lands, and that such Injury is not of a Nature to admit of being fully compensated by Money, the Applicant shall not be entitled to make the proposed Drains or Improvements in Drains.

Application of Compensation in case of Owners under Disability.

**77.** Where the Compensation assessed by the Justices or Arbitrators under the last preceding Section is payable to any Owner or other Person who is under any Disability or Incapacity, or is not entitled to receive the same for his own Benefit, such Compensation shall be applied in the Manner in which the Compensation coming to Parties having limited Interests or prevented from treating and not making Title is applicable under "The Lands Clauses Consolidation Act, 1845."

Duty of Arbitrators.

**78.** The Justices or Arbitrators, as the Case may be, in the event of their approving of a Scheme of Drainage as proposed by the Applicant or as modified by themselves, shall cause a Map thereof to

to be prepared, and shall certify under their Hands the Correctness of such Map; and it shall be the Duty of the Applicant to forward the same to the Clerk of the Peace of the County, Riding, or Division of the County wherein the Land is situate, who shall keep the same in his Office as a Record of the Proceedings between the Parties.

Power of Applicant to clear Drains

**79.** After Drains have been opened or Improvements in Drains made, in pursuance of Part Three of this Act, it shall be lawful for the Applicant, his Heirs and Assigns, for ever thereafter, from Time to Time as it becomes necessary, to enter upon the Lands through which such Drains have been opened or Improvements made, for the Purpose of clearing out, scouring, and otherwise maintaining the same in a due State of Efficiency, and if such Drains or Improvements in Drains are not kept so cleared out, scoured, and maintained in a due State of Efficiency, the Owner or Occupier for the Time being of the Lands through or on which such Drains or Improvements in Drains are made may clear out, scour, and otherwise maintain the same in a due State of Efficiency, and recover the Expenses incurred in such clearing out, scouring, or Maintenance, in a summary Manner, from the Applicant, his Heirs or Assigns.

Power of adjoining Owner to divert Drains.

**80.** The Owner for the Time being of the Land through or in which any Drain may be opened, or Improvements in Drains made, in pursuance of Part Three of this Act, may fill up, divert, or otherwise deal with such Drains or Improvements in Drains, on Condition of first making and laying down in lieu thereof Drains equally efficient; and any Dispute as to the Efficiency of Drains so laid down shall be decided by Two or more Justices assembled in Petty Sessions.

Penalty for obstructing or injuring Drains.

**81.** Any Person who wilfully obstructs any Person making any Drains or Improvements in Drains in pursuance of Part Three of this Act, and any Person who wilfully dams up, obstructs, or in any way injures any Drains or Improvements in Drains so opened or made, shall for each Offence incur a Penalty not exceeding Ten Pounds, to be recovered in a summary Manner.

Costs of Application.

**82.** All Costs, Charges, and Expenses reasonably incurred by the adjoining Owner in respect of any Application made in pursuance of this Part of this Act shall be defrayed by the Applicant.

Provision in case of Change of natural Outfall.

**83.** Where any Person is desirous, in pursuance of this Part of this Act, of constructing any Drain by means whereof any Brook, River, or other natural Watercourse will be diverted from its ordinary Channel into any other Brook, River, or natural Watercourse, he shall cause a Copy of the Notice hereby required to be served on the adjoining

adjoining Owner to be published by Advertisement once at least in each of Three successive Weeks in some local Newspaper circulating in the District in which the Drain proposed to be constructed is situate, and to be served in manner in which Notices are required to be served under the First Part of this Act (where no special Mode of Service is prescribed) on all Owners of Land abutting upon the Brook, River, or other natural Watercourse into which the Diversion is made, and situate within Four Miles of the Point of Junction, and shall deposit a Copy of the Map hereby required to accompany the Notice served on the adjoining Owner with the Clerk of the Peace of the County, Riding, or Division of a County wherein the proposed Drain is situate; and it shall be lawful for any Person being the Owner of Land capable of being injured by the proposed Drain, within Eight Weeks after the First Notice of the proposed Drain appears in the Newspaper, to serve Notice that he apprehends Injury from such Drain on the Person proposing to make the same, and thereupon such Owner shall be deemed to have dissented, and shall be entitled to the same Rights and Privileges under this Part of this Act as if he were the adjoining Owner.

## SCHEDULE referred to in the foregoing Act.

### PART I.

*Rules as to Election of Members of Drainage Boards.*

The Chairman of the Board of the previous Year, or some Person appointed by him, shall be the Returning Officer.

If at any Time, from any Default of such Chairman as aforesaid, or from any Reason, there is no Returning Officer, or such Returning Officer is unwilling or unable to act, the Inclosure Commissioners may, on the Application of any Member of the Board, appoint a Returning Officer.

The Election of new Members shall take place on the First Thursday, or on such other Day as may be appointed by the Board,

in September in every Year; excepting the Year in which the Provisional Order is confirmed by Parliament.

On every Occasion of the Election of new Members of the Board the Returning Officer shall convene a Meeting of the Electors for the Purpose of such Election, and shall give Notice of such Meeting, and of the Time and Place at which it is to be held—

By Advertisement in some One or more of the Newspapers circulating in the District;

By causing a Copy of such Notice to be affixed to the outer Door of the principal Office of the Board.

The Returning Officer shall preside and regulate the Proceedings at such Meeting.

At any such Meeting as aforesaid any Person or Persons may, if he or they consent thereto, be nominated by any Elector, and seconded by any other Elector, as a Member or Members of the Board.

If more Candidates are proposed than the Number to be elected, a Poll may be demanded, and shall be taken in manner herein-after mentioned, but if not, or if no Poll is demanded, a Declaration by the Returning Officer that the Candidates are elected Members of the Board shall be Evidence of the Fact.

When a Poll is demanded the Returning Officer shall direct the same be taken at such Place or Places within the District on such Day not exceeding One clear Day from the Day appointed for the Election as he may determine.

Votes may be given either personally or by Proxy; a Proxy shall be appointed under the Hand of the Appointor, but he shall not be entitled to vote unless the Instrument appointing him was deposited at the Office of the Board Seven Days before the Day of Election at which such Proxy proposes to vote; but no Person shall be appointed a Proxy unless he is a qualified Elector:

The Poll shall be opened at Nine o'Clock of the Forenoon of the appointed Day, and shall close at Four o'Clock in the Afternoon of the same Day, except in the Case of Disturbance when the closing of the same may be fixed to take place at such Time as the Returning Officer directs.

The Poll at any Place of Voting may be closed at any Time before Four of the Clock if One Hour has elapsed during which no Vote has been tendered at such Place of Voting.

The Returning Officer shall cause to be entered in the Polling Books the Name and Address of every Voter and the Manner in which he votes.

At

At the Close of the Poll the Returning Officer shall sum up the Votes, and as soon as possible publish the Names of the Candidates elected as herein mentioned—

(1.) By Advertisement in some One or more Newspaper or Newspapers circulating in the District;

(2.) By affixing a List of such Candidates to the outer Door of the principal Office of the Board.

Whenever any Day hereby appointed for any Purpose happens to be a Sunday, the Business so appointed to be done shall take place on the Monday following.

---

## PART II.

### *Rules as to Proceedings of Drainage Boards.*

1. A Drainage Board shall meet together for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Condition:—That

(*a.*) No Business shall be transacted at any Meeting unless at least Three Members are present at the Commencement and Close of such Business.

(*b.*) No Order involving an Expenditure of more than One hundred Pounds shall be made by the Board unless at the least One Month's previous Notice, specifying the Work to be undertaken or the other Matter to which such Order relates, and naming a Day on which a Meeting of the Board is to be held for considering the Matter to be ordered, has been sent by Circular to each Member of the Board:

(*c.*) All Questions shall be decided by a Majority of Votes of the Members present:

(*d.*) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.

2. The Board shall, at their First Meeting, and afterwards from Time to Time at their First Meeting after each Annual Election, appoint One of their Number to be Chairman for the Year following such Choice.

3. If any casual Vacancy occurs in the Office of Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy; and every such Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be

be so elected would have been entitled to continue if such Vacancy had not happened.

4. If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting:

5. In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

6. The Board may delegate any of their Powers to Committees, consisting of such Member or Members of their Body as they think fit. Any Committee so formed shall, in the Exercise of the Powers delegated, conform to any Regulations that may be imposed on them by the Board.

7. A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

8. A Committee may meet and adjourn as they think proper. Questions at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an equal Division of Votes, the Chairman shall have a Second or Casting Vote:

9. The Board shall cause Minutes to be made, in Books provided for that Purpose,—

(1.) Of all the Appointments of Officers made by the Board;

(2.) Of the Names of the Members present at each Meeting of the Board, and Committees of the Board;

(3.) Of all Orders made by the Board, and Committees of the Board; and,

(4.) Of all Resolutions and Proceedings of Meetings of the Board, and of Committees of the Board.

And any such Minutes as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of the Board, or Committee of the Board, shall be receivable in Evidence, without any further Proof.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.

ANNO VICESIMO QUARTO & VICESIMO QUINTO

# VICTORIÆ REGINÆ.

## CAP. CXXXIV.

### An Act to amend the Law relating to Bankruptcy and Insolvency in *England*. [6th *August* 1861.]

WHEREAS it is expedient to amend the Laws relating to Bankruptcy and Insolvency in *England*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to the Court of Bankruptcy and the Commissioners thereof, their Powers and Jurisdiction:

1. The Court of Bankruptcy shall have and exercise, for the Purposes of this Act, all the Powers and Authorities of the Superior Courts of Law and Equity, and all the Jurisdiction, Powers, and Authorities now possessed by the Court for the Relief of Insolvent Debtors in *England*.

As to the Powers and Jurisdiction of the Court of Bankruptcy.

2. The present Commissioners of the Court of Bankruptcy shall continue to be Commissioners of the Court. Upon any Vacancy in the Office of Commissioner of the Court of Bankruptcy in *London*, such Vacancy shall not be filled up until the Number of Commis-

Present and future Commissioners of the Court in London.



sioners

sioners of the Court of Bankruptcy in *London* shall, by reason of such Vacancy, be reduced to less than Three, whereupon it shall be lawful for Her Majesty, by Commission under the Great Seal of the United Kingdom, to appoint a Person, being a Serjeant-at-Law, or Barrister-at-Law, of not less than Twelve Years standing at the Bar in *England*, to fill such Vacancy.

Jurisdiction of County Courts under this Act.

**3.** The Judge of every County Court (except of the Metropolitan County Courts) shall have and exercise within his respective District the like Jurisdiction, Powers, and Authorities, and perform the same Duties for and in respect of all Matters and Things coming before such County Court by virtue of this Act, as are vested in the Commissioners of the District Courts of Bankruptcy.

Power to transfer Jurisdiction, &c., of Commissioners to County Courts in case of Vacancies.

**4.** If upon any Vacancy in the Office of Commissioner of any Country District Court there shall no longer be a Commissioner for such District, Her Majesty shall have Power, by Order in Council, to transfer all the Jurisdiction, Powers, and Authorities held by the Commissioner to the Judges of the County Courts, or any of them, exercising Jurisdiction within such District or any Part thereof, and the Lord Chancellor shall have Power and Authority, by Order, from Time to Time to provide in all respects for the Exercise of Jurisdiction in Bankruptcy by such County Court Judges or Judge, and for the Continuance of the Exercise of their respective Duties in the whole or any Part of the District by the Official Assignees, Registrar, and other Officers attached to the Court of the Commissioner making such Vacancy.

Power to create additional County Courts, and to invest the Judges thereof with Jurisdiction in Bankruptcy, and to make new Arrangement of Districts.

**5.** In case it shall on any Occasion appear to Her Majesty in Council to be expedient to establish an additional County Court or Courts within any One or more of the Country Districts, and to invest the Judge or Judges thereof with the Jurisdiction, Powers, and Authorities of a Commissioner in Bankruptcy within the District or Districts that may be assigned to such Court or Courts, it shall be lawful for Her Majesty, by Order in Council, so to do, and also to make a new Arrangement of the Districts of the Bankruptcy and County Courts respectively, so as to assign a convenient District or Districts to such new Court or Courts, and to give from Time to Time all necessary Directions for the Establishment thereof, and such Order shall be laid before Parliament, and shall not come into Operation until Three Months afterwards.

Appointment, Qualifications,

**6.** The Judge of any such new Court shall be appointed by the Lord Chancellor, and shall be either a Serjeant-at-Law or a Barrister-at-Law, who shall be of Seven Years standing at the Bar in *England*, or

or who shall have practised as a Barrister and Special Pleader for at least Seven Years; and every such Judge, in addition to the Jurisdiction of a County Court Judge, shall have and exercise within the District assigned to him all the Jurisdiction, Powers, and Authorities of the Commissioners of the Country District Courts of Bankruptcy.

and Jurisdiction of Judges of such Courts.

7. Every Judge of a County Court shall, before acting in Bankruptcy, take at any Quarter Sessions the following Oath:

'I *A. B.* do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of County Court Judge acting in Bankruptcy. 'So help me GOD.'

And such Oath shall be recorded in the Court of the Judge taking the same.

Oath to be taken by County Court Judges before acting in Bankruptcy.

As to the Officers of the Court:

8. The Persons now discharging the Duties of Chief Registrar, Registrars, Taxing Master, and Official Assignees of the Court of Bankruptcy in *London*, and in the several District Courts of Bankruptcy, shall retain and hold Office during good Behaviour, subject to Dismissal by the Lord Chancellor, by Order, for some sufficient Reason to be set forth in such Order: Upon any Vacancy in the Office of Registrar, such Vacancy shall be filled up by the Lord Chancellor.

Chief Registrar, &c. to hold Office during good Behaviour, and Vacancies to be filled up by Lord Chancellor.

9. If the Lord Chancellor shall at any Time, by Order, declare that, having regard to the State of the Business of the Court of Bankruptcy and the Duties of the Registrars, he is of opinion that additional Registrars ought to be appointed, either in *London* or in any Country District, it shall be lawful for the Lord Chancellor to appoint such additional Registrars.

Power to appoint additional Registrars.

10. The Registrars of the several County Courts exercising Jurisdiction under this Act shall discharge the Duties of Registrar and Official Assignee in all Matters under this Act within their several Districts in such Manner, and shall give such Security in respect of such Office of Official Assignee, and shall receive such Remuneration in respect of such Services, as General Orders shall direct; and all the Enactments herein contained with respect to Official Assignees shall apply to the Registrars of the County Courts as to all Matters under this Act prosecuted therein.

As to Duties of County Court Registrars.

11. The High Bailiffs of the several County Courts exercising Jurisdiction under this Act shall discharge the Duties of Messenger in

As to Duties of High Bailiffs of County Courts.

in all Matters of Bankruptcy within their several Districts in such Manner, and shall give such Security in respect of such Duties, and shall receive such Remuneration in respect of such Services, as General Orders shall direct.

Abolition of Office of Accountant in Bankruptcy upon the First Vacancy.

**12.** Upon the First Vacancy in the Office of Accountant in Bankruptcy the Office shall be abolished, and the Duties thereof shall thereafter be discharged by the Chief Registrar, and the several Funds standing in the Books of the Bank of *England* to the Credit of such Accountant shall be transferred to such Account or Accounts in the Name of the Chief Registrar, and in such Manner, as General Orders shall direct.

Taxing Master.

**13.** All Bills of Costs, Charges, Fees, and Disbursements of Solicitors and Attorneys in Matters under this Act before the Court of Appeal in Chancery sitting in Bankruptcy and the Court in *London*, and such taxable Bills as may be specially referred to the Master by any District Court or any County Court, shall be taxed by the Master, subject to the Review of the Court in *London*.

Registrar in Country Districts to be Taxing Officers.

**14.** In every Country District Court, and in every County Court exercising Jurisdiction under this Act, all Bills of Costs, Charges, Fees, and Disbursements aforesaid shall (unless where such Court shall otherwise direct) be taxed and settled by the Registrar of such Court, subject to Appeal to the Court of which he is Registrar. It shall be lawful for the Commissioner of any District Court, or Judge of any County Court, to refer any such Bills, or any Question thereon, to the Taxing Master in *London*.

As to the Settlement of Charges of Auctioneers, Appraisers, Valuers, and Accountants.

**15.** All Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant, or any other Person, not being an Attorney or Solicitor, in any Matter under this Act or any other Act in force relating to Bankrupts, shall be settled by the Master, except such Charges, Fees, or Disbursements as shall be incurred in any District Court or County Court, and in such Cases shall be settled by the Registrars of the Court in which they arise, in such Manner as General Orders shall direct, and subject to the Review of the Court; and the Amount of the Bills so settled, and no more, shall be recoverable.

Reduction in the Number of Official Assignees.

**16.** Upon any Vacancy in the Office of Official Assignee of the Court in *London* the same shall not be filled up unless the Number of Official Assignees in the *London* District shall by reason of such Vacancy be reduced to less than Five. Any Vacancy in the Office of Official Assignee in a Country District shall not be filled up if there be another Official Assignee within such District.

**17.** The

**17.** The Persons now discharging the Duty of Messenger in the Court of Bankruptcy in *London*, and in the several District Courts of Bankruptcy in the Country, shall continue to act as such Messengers, in such Manner, and subject to such Regulations, and shall give such Security, as General Orders shall direct, and shall be subject to Dismissal by the Lord Chancellor by Order, for some sufficient Reason to be set forth in such Order. Upon any Vacancy in the said Office, such Office shall not be filled up until the Number of Messengers in the Court in *London* shall have been reduced to Two, and in any District Court of Bankruptcy in the Country to One. Any Vacancy thereafter occurring may, if necessary, be filled up by the Lord Chancellor by the Appointment of some fit Person. Messengers.

As to filling up Vacancies:

**18.** Upon any future Vacancy in the Office of Commissioner or Registrar (other than of Chief Registrar), or in any other Office in the Court of Bankruptcy, the Lord Chancellor may, if, having regard to the then State of the Business of the Court, he shall so think fit, by Order declare that such Vacancy shall not be filled up until further Order, and thereupon the same shall not be filled up, unless and until the Lord Chancellor shall by Order declare that, having regard to the then State of Business of the Court, he is of opinion that such Vacancy ought to be then filled up, and thereupon the same may be filled up as if such first-mentioned Order had not been made. Vacancies need not be filled up.

As to the Court for the Relief of Insolvent Debtors in *England:*

**19.** The Jurisdiction, Authorities, and Functions of the Chief Commissioner and Commissioner of the Court for Relief of Insolvent Debtors in *England* shall cease and be discontinued, and the said Chief Commissioner and Commissioner shall be released from their Duties as such, subject nevertheless to the Obligation of performing such Duties and Services as are herein-after provided. Commissioners of Insolvent Debtors Court released.

**20.** The Jurisdiction of the County Courts in the Relief of Insolvent Debtors shall cease; provided that all Matters of Insolvency pending at the Commencement of this Act in any of the said Courts shall proceed and be completed therein as if this Act had not been passed. Insolvent Jurisdiction of County Courts discontinued.

**21.** The Person now exercising the Office of Provisional Assignee of the Court for the Relief of Insolvent Debtors in *England* shall be an Official Assignee of the Court of Bankruptcy, and shall act as such Official Assignee in the Court in *London*, and shall hold Office during good Behaviour, subject to Dismissal by the Lord Chancellor by Order, for some sufficient Reason to be set As to Provisional Assignees.

set forth in such Order, and he shall perform the same Duties, and receive the same Salary, Remuneration, and Allowances, as the other Official Assignees.

As to Duties of other Officers of the Insolvent Debtors Court.

**22.** The Persons now discharging the Duties of Chief Clerk, Clerks, and Taxing Officer of the Court for the Relief of Insolvent Debtors in *England* shall be transferred to, and shall act in such Manner as General Orders shall direct, in the *London* Court. They shall hold Office during good Behaviour, subject to Dismissal by the Lord Chancellor by Order, for some sufficient Reason to be set forth in such Order. No Vacancy in such Offices shall be filled up. Provided that nothing herein contained shall be deemed to deprive any Person now holding Office in the Insolvent Debtors Court of any Benefit to which he may now be or may hereafter become entitled by virtue of the Acts passed in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, and the Fifth and Sixth Years of King *William* the Fourth, Chapter Forty-two, relative to Superannuation Allowances; and Service by any such Persons in the Court of Bankruptcy shall for the Purpose of the said Acts be deemed to be equivalent to Service in the Insolvent Debtors Court.

Nothing to deprive Officers of Superannuation Allowances under 4 & 5 W. 4. c. 24. and 5 & 6 W. 4. c. 42.

Chief Clerk of Court to make Returns of pending Business to Lord Chancellor.

**23.** The Chief Clerk of the Court for the Relief of Insolvent Debtors in *England* shall, on such Day before the Time appointed for the Commencement of this Act as the Lord Chancellor shall direct, make a Return to the Lord Chancellor of all Business then pending or remaining incomplete in such Court; and the Lord Chancellor may, if he shall think fit, direct such unfinished Matters to be proceeded with and completed before and by the Commissioners of such Court, who for such Purposes shall retain and exercise all the Jurisdiction, Powers, and Authorities now possessed by them respectively.

Power of Courts to proceed summarily in winding up Matters depending.

**24.** For the Purpose of winding up as expeditiously and conveniently as may be all Petitions, Matters, and Things which shall have been presented to or be depending in the said Court for the Relief of Insolvent Debtors, or any of the County Courts, by virtue of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Commissioners or Judges of such Courts respectively, at any Time after the passing of this Act, to summon, as they shall deem fit, all or any of the Parties to such Petitions, Matters, or Things, or their Solicitors, and thereupon to give such Directions and make such Orders as may be necessary for the Purpose of settling and winding up the same, and to proceed for the Purposes aforesaid in the Absence of the Parties or Solicitors neglecting or refusing to attend such Summons.

**25.** Every

**25.** Every Recognizance which may at the Time of the passing of this Act have been entered into by any Person as Surety to the Provisional Assignee of the Court for the Relief of Insolvent Debtors, with Condition that the Insolvent therein mentioned shall duly appear at the Time and Place therein mentioned, shall extend to bind the Person who may have entered into the same, in case the Insolvent Debtor therein mentioned shall not at the Time appointed in such Recognizance duly appear before the Court by which the Petition or Matter of such Insolvent is heard in pursuance of this Act, and on every adjourned Hearing, or shall not abide by the final Judgment of such Court.

Recognizances of Sureties entered into under 1 & 2 Vict. c. 110., for enforcing Attendance of Insolvents, extended.

**26.** All Monies and Government Securities which shall at the Commencement of this Act stand in the Bank of *England* to the Credit of the Account of the Commissioners of the Court for the Relief of Insolvent Debtors in *England*, shall be carried by the Bank of *England*, in such Manner as General Orders shall direct, to the Account of the Accountant in Bankruptcy; and, subject to the Orders of the Court for the Payment thereout of any Dividend, or for the Distribution of any Part thereof, in the Matter to which the same originally belonged, shall be applicable in like Manner as at present, or in such Manner as the Lord Chancellor shall by Order direct, towards defraying the Salaries of the Clerks and other Persons hereby transferred from the Insolvent Debtors Court to the Court of Bankruptcy, and towards defraying the Expenses of and incidental to the Discharge of Pauper Prisoners herein-after provided, and also for indemnifying the Provisional Assignee of the Insolvent Debtors Court against all Costs and Expenses incurred or to be incurred by him in any Suit, Action, or other Proceeding.

Insolvency Fund.

**27.** The Records and Proceedings of every Kind in the Insolvent Debtors Court shall be Records and Proceedings of the Court of Bankruptcy, and shall be kept in such Manner as they now are, subject to Alteration by any General Orders.

Records of Court of Insolvency.

As to Salaries:

**28.** The Chief Commissioner of the Court for the Relief of Insolvent Debtors shall continue entitled, subject as herein provided, to receive during his Life the full Amount of his Salary as such Chief Commissioner, payable out of the same Fund, on the same Days, and in the same Manner in all respects as if this present Act had not passed.

Chief Commissioner's Salary continued.

**29.** There

Salaries of Officers of the Court of Bankruptcy.

**29.** There shall be paid to the Registrars and other Officers of the Court the several Salaries set opposite to their respective Titles in Schedule (A.) to this Act annexed, and such Salaries shall be payable out of the Chief Registrar's Account, and shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the Eleventh Day of *January*, the Eleventh Day of *April*, the Eleventh Day of *July*, and the Eleventh Day of *October* in every Year, by equal Portions; and when any Person for the Time being holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionate Part of his Salary as shall have accrued during the Time that such Person shall have executed his Office since the last Payment.

Salaries to present Officers of Insolvent Debtors Court.

**30.** The Chief Clerk, Clerks, Taxing Officer, and other Officers of the Court for the Relief of the Insolvent Debtors in *England* shall, upon being in manner herein provided transferred to the Court of Bankruptcy, severally continue to receive the full Amount of the Salary, Remuneration, Allowances and Compensations, which they now respectively receive, as nearly as may be out of the same Funds and payable in the same Manner in all respects as if this Act had not been passed; and for such Purpose the annual Sums now payable out of Monies voted by Parliament for the Use and Purposes of the Court for Relief of Insolvent Debtors and the Officers thereof shall be paid in future into the Bank of *England*, to the Credit of the Chief Registrar's Account in Bankruptcy.

Fees to be taken by Official Assignees.

Salaries of Official Assignees.

**31.** The Fees to be taken by Official Assignees in respect of the Duties performed by them shall be defined by General Orders. Each Official Assignee shall make a Return half-yearly to the Chief Registrar, in such Manner as General Orders shall direct, of the Amount of Fees received by him during the Six Months preceding the Date of such Return. Each of the present Official Assignees in the *London* District shall receive an annual Salary of Twelve hundred Pounds. Each of the present Official Assignees in the Country Districts shall receive an annual Salary of One thousand Pounds. Every future Official Assignee in the *London* District shall receive an annual Salary of One thousand Pounds. And every future Official Assignee in the Country Districts shall receive an annual Salary of Eight hundred Pounds. All such Salaries shall be paid quarterly out of the Monies standing to the Chief Registrar's Account, and shall be exclusive of such proper Remuneration actually paid to necessary Clerks,

Clerks, and of such reasonable Office Expenses as shall respectively be allowed by the Court. The Official Assignees shall not be entitled to any further Remuneration in respect of any Duties performed by them.

**Remuneration of Messengers.**

**32.** The Messengers shall receive such Remuneration by way of Fees as General Orders shall direct and allow; provided that the total net annual Remuneration to be received by any Messenger in the *London* District shall amount to but not exceed the Sum of Five hundred Pounds, and of any Messenger in the Country Districts the Sum of Four hundred Pounds. Any Surplus of such Fees upon the Aggregate of the Receipts of each Year, after deducting the aforesaid Salaries, and reasonable Payments by the Messengers for Assistance, to be allowed by the Court, shall be paid over by the several Messengers in such Manner and at such Times as General Orders shall direct, to the Credit of the Chief Registrar's Account.

**Surplus Fees to be paid over.**

As to Retiring Annuities, Compensations, and incidental Expenses:

**Retiring Pensions to Officers.**

**33.** The Lord Chancellor may, on a Petition presented to him for that Purpose, order that an Annuity be paid to any Commissioner or Registrar, or to the Accountant in Bankruptcy, or Taxing Master, or other Officer of the Court of Bankruptcy, not exceeding Two Thirds of his Salary, to be paid out of the Chief Registrar's Account, when such Person shall have served in such Office for the full Period of Twenty Years, and shall be above Sixty-five Years of Age, or shall have been appointed to such Office in or previous to the Year One thousand eight hundred and thirty-two, and shall be desirous of retiring, or if such Person shall, before the Period of Twenty Years Service is completed, be afflicted with any permanent Infirmity disabling him from the due Execution of his Office. The Time during which such Person shall have held Office in the Court for Relief of Insolvent Debtors shall be reckoned as Part of such Service of Twenty Years.

**Provision as to Annuitants accepting other Public Offices.**

**34.** If any Person to whom an Annuity shall be granted under this Act shall be appointed to and accept any Public Office of an annual Value less than the Amount of such Annuity, such Person, during the Time he may continue in such Office, shall be entitled to receive only so much of his Annuity as shall, together with the Salary of such new Office, be equal to such Annuity. If the Salary attached to such Public Office shall equal or exceed in Amount such Annuity, then during the Time of his Continuance in such Office such Annuity shall altogether cease.



**35.** The

Compensations.

**35.** The Compensations now payable to the following Holders of abolished Offices,—

Patentee of Bankrupts,

The former Commissioners of Bankrupt,

The Clerk of the Hanaper and other Officers of the Lord Chancellor and the Court of Chancery,

and the retiring Annuities now respectively payable out of the Funds standing to the Credit of the Chief Registrar's Account, shall continue to be paid out of the same Funds; but the annual Amount of the said Compensations and retiring Annuities shall be paid into the Bank of *England* to the Credit of the Chief Registrar's Account, by the Commissioners of the Treasury, out of Monies to be from Year to Year voted for that Purpose by Parliament.

Incidental Expenses.

**36.** The Funds standing to the Account intituled The Chief Registrar's Account shall be subject to all such Orders as have been heretofore duly made, or as shall from Time to Time be made by the Lord Chancellor for Payments thereout in respect of the Salaries of Clerks and other Persons employed in the various Offices of the several Courts of Bankruptcy, and for Stationery, Coals, and Candles for the Use of the same, and for Rent and Repairs of the Buildings, and in respect of all Expenses incidental to carrying this Act into effect; and all Accounts for such Expenses shall be audited and allowed by the Commissioner of the Court in which they have been incurred before any Order for Payment shall be made.

As to Fees and Stamps:

Court Fee abolished.

**37.** The Court Fee heretofore payable in respect of public and private Sittings in Bankruptcy is abolished.

Per-centage upon Estates abolished.

**38.** The Per-centage heretofore payable by the Fifty-fourth Section of "The Bankrupt Law Consolidation Act, 1849," to the Chief Registrar's Account, on the gross Produce of Estates in the Court of Bankruptcy, is abolished.

General Orders to direct what Fees to be paid.

Fees to be received in Stamps.

**39.** General Orders may from Time to Time direct what Fees, other than those herein directed, shall be paid in respect of any Matters of Bankruptcy or Proceedings under this Act: Provided that all Fees shall be received and taken by means of Stamps having the Word "Bankruptcy" impressed or affixed thereon, in manner hereinafter provided.

Fees may be altered by General Order.

**40.** The Fees by this Act made payable, or any of them, may from Time to Time be varied or abolished by General Orders; and other Fees, but not of an Amount higher than that by this Act prescribed,

prescribed, may be fixed and imposed by such Orders; and the Provisions of this Act respecting Stamps are hereby extended and applied to such Stamps as may be required by General Orders.

Certain Documents to be on stamped Vellum, &c. in lieu of Fees.

**41.** Every Document enumerated in the Schedule (B.) to this Act annexed shall, in lieu of all Fees thereupon, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty set opposite to such Documents respectively in such Schedule, and having the Word "Bankruptcy" impressed on every such Stamp: Provided that the Commissioners of Inland Revenue, besides such impressed Documents denoting Fees, shall provide like Stamps on adhesive Paper; and all Stamp Duties and Fees directed to be paid under this Act may be paid by means of such Stamps on adhesive Paper affixed to Documents requiring a Stamp Duty: Where any such Document shall consist of more than One Sheet, only the First Sheet thereof shall have such Stamp impressed or affixed thereon.

Documents not to be received without a Stamp.

Proviso where so received through Mistake.

**42.** No Document which by this Act or by any General Order is or shall be required to have a Stamp impressed thereon shall be received or filed or be used in relation to any Proceeding in the Courts, or be of any Validity for any Purpose whatever, unless or until the same shall have the proper Stamp impressed or affixed thereon: Provided always, that if at any Time it shall appear that any Document which ought to have had such Stamp has, through Mistake or Inadvertence, been received or filed or used without having such Stamp, the Courts may order that such Stamp shall be impressed or affixed thereon; and when a Stamp shall have been so impressed or affixed on such Document, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed or affixed thereon in the first instance: Provided also, that nothing herein contained shall affect the *Provisions contained in the Twenty-seventh Section of the Act of the Session of Parliament of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty-three,* or the Provisions of "The Common Law Procedure Act, 1854," and that every Stamp on adhesive Paper affixed to a Document shall be deemed a Stamp impressed thereon.

Officers, &c. taking Fees improperly.

**43.** If any Judge, Commissioner, Registrar, Accountant, Master, Official Assignee, Clerk, or any other Officer of the Courts of Bankruptcy, or of any County Court acting in Matters under this Act, shall, for anything done or pretended to be done under this Act, or under colour of doing anything thereunder, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take, for him or on his Account, or for or on account

account of any Person by him named, or in trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or any Thing of Value whatsoever, other than is allowed by this Act, such Person, when convicted thereof, shall forfeit and pay the Sum of Five hundred Pounds, and be rendered incapable, and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.

**44.** If any such Judge, Commissioner, Officer, or Person shall fraudulently do, commit, or connive at any fraudulent Act or Practice in relation to any Stamp used or required to be used in any Matter under this Act, or to any Fee or Sum of Money collected or which ought to be collected by means of any such Stamp or otherwise, or shall be guilty of any fraudulent Act, Neglect, or Omission, whereby any Fee which ought to be collected by means of such Stamp or otherwise shall be lost or the Payment thereof evaded, such Judge, Commissioner, Officer, or Person so offending shall be liable to be dismissed from his Office or Employment.

As to General Orders:

Purposes for which General Orders are to be framed.

**45.** The Lord Chancellor shall, with the Assistance of Two Commissioners, and subject to the Provisions of this Act, frame General Orders for the following Purposes:

For regulating the Practice and Procedure of the Courts of Bankruptcy, and the several Forms of Petitions, Orders, and other Proceedings to be used in the said Courts, in all Matters under this Act;

For regulating the Duties of the various Officers of such Courts;

For regulating the Fees payable and the Charges and Costs to be allowed with respect to all Proceedings before such Courts, and before the County Courts acting in Bankruptcy;

For regulating the Practice and Procedure upon Appeals;

For regulating the Filing, Custody, and Inspection of Records;

And, generally, for carrying the Provisions of this Act into effect.

General Orders in County Courts.

**46.** For regulating the Practice and Procedure of the County Courts and the Place and Times of sitting thereof in Matters under this Act, General Orders shall be framed in conformity with the Provisions of this Act, and subject to the Sanction of the Lord Chancellor, by such Judges of the said Courts as the Lord Chancellor shall from Time to Time nominate for that Purpose.

Alteration of General Orders.

**47.** After such General Orders shall have been so framed they or any of them may be rescinded or varied, and other General Orders may be framed in manner aforesaid; and all General Orders so framed from

from Time to Time shall be laid before both Houses of Parliament within One Month after the Approval thereof by the Lord Chancellor, if Parliament be then sitting, or if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament.

All General Orders to be laid before Parliament.

As to the Sittings of the Court:

**48.** The *London* and District Courts of Bankruptcy shall sit for the Despatch of Business daily throughout the Year, *Sunday*, *Christmas Day*, *Good Friday*, *Monday* and *Tuesday* in *Easter* Week, and Days appointed for Public Fast or Thanksgiving, excepted.

Sittings of the Court.

**49.** During the Time appointed by Order for Vacations in the High Court of Chancery the Lord Chancellor shall have full Power and Authority to regulate the Sittings of the Court, and appoint the Attendance of such Commissioner or Commissioners as shall appear necessary for the due Administration of Justice in the said Court.

Lord Chancellor to regulate Sittings in Vacation.

As to the Practice and Procedure of the Court:

**50.** The several Courts exercising Jurisdiction under this Act may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either *vivâ voce* on Oath, or by Interrogatories in Writing, or upon Affidavit, or by Commission abroad.

Evidence, how to be taken.

**51.** The Commissioners may sit at Chambers for the Despatch of such Part of the Business of their Courts as can, without Detriment to the Public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers; and when sitting at Chambers they shall have in all respects like Power and Jurisdiction as when sitting in Court.

Judges may sit at Chambers.

**52.** The Registrars of the Court of Bankruptcy shall have Power to make Adjudication of Bankruptcy, to receive the Surrender of any Bankrupt, to grant Protection, to pass the last Examination of any Bankrupt in Cases wherein the Assignees and Creditors do not oppose, to hold and preside at Meetings of Creditors, to audit and pass Accounts of Assignees, and to sit in Chambers, and despatch there such Part of the administrative Business of the Court, and such uncontested Matters as shall be defined in General Orders, or as the Commissioner in any particular Matter shall direct; but nothing herein contained shall empower a Registrar to commit, or to hear a disputed Adjudication, or any Question of the Allowance or Suspension of an Order of Discharge. The Registrar may adjourn any Matter coming before him for the Consideration of the Commissioner.

Registrars, their Powers and Jurisdiction.

Registrars to sit in Chambers.

County Court Registrars.

missioner. The Lord Chancellor may, by Order, from Time to Time authorize the Registrar of any County Court to exercise any of the Powers hereby given to the Registrars of the Court of Bankruptcy.

Parties may take Opinion of the Commissioner.

Certificates of Registrars at Chambers to be binding.

**53.** Any Party shall, during the Proceedings before a Registrar, be at liberty to take the Opinion of the Commissioner upon any Point or Matter arising in the Course of such Proceedings; or upon the Result of such Proceedings, which shall be stated by the Registrar in the Shape of a short Certificate to the Commissioner, who shall sign the same, if he approve thereof; and such Certificate, so signed, shall be binding on all the Parties to the Proceeding; but every such Certificate may be discharged or varied by the Commissioner, at Chambers or in open Court.

Penalties upon Parties and Witnesses not attending, or wilfully swearing falsely, before Registrar.

**54.** Parties and Witnesses summoned before a Registrar shall be bound to attend in pursuance of such Summons, and shall be liable to Process of Contempt in like Manner as Parties and Witnesses are now liable thereto in case of Default in Attendance under any Writ of Subpœna; and all Persons wilfully and corruptly swearing or affirming falsely before a Registrar shall be liable to all the Penalties, Punishments, and Consequences of Perjury.

Persons refusing to answer may be ordered to pay Costs.

**55.** If any Person examined before a Registrar shall refuse or decline to answer or to swear to or sign his Examination when taken, the Registrar shall refer the Matter to the Commissioner, who shall have Power to order the Person so acting to pay the Costs thereby occasioned, if such Person be compellable by Law to answer such Question, or to sign such Examination.

Special Case.

**56.** In any Bankruptcy or any other Proceeding within the Jurisdiction of the Court the Parties concerned or submitting to such Jurisdiction may, at any Stage of the Proceedings, by Consent, state any Question or Questions in a Special Case for the Opinion of the Court, and the Judgment of the Court shall be final, unless it be agreed and stated in such Special Case that either Party may appeal.

Payment of Money by Party on Judgment being given.

**57.** The Parties may, if they think fit, agree that, upon the Question or Questions raised by such Special Case being finally decided, a Sum of Money, fixed by the Parties, or to be ascertained by the Court, or in such Manner as the Court may direct, or any Property, or the Amount of any disputed Debt or Claim, shall be paid, delivered, or transferred by one of such Parties to the other of them, either with or without Costs.

**58.** The

**58.** The Courts of Bankruptcy may direct a Registrar to attend at any Place within the District of the Court to which he is attached, for the Purpose of holding any Meeting of Creditors, of receiving Proof of Debts, and generally for the Prosecution of any Bankruptcy or other Proceeding under this Act; and the travelling and incidental Expenses of such Registrar, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by such Court, and paid out of the Assets of the Estate in respect of which such Registrar has so acted, or if there be no such Assets, or if the Assets be insufficient, then out of the Chief Registrar's Account; and such Registrar so acting shall have and exercise all Powers, except the Power of Commitment, vested in such Court for the summoning and Examination of Persons or Witnesses, and for requiring the Production of Books, Papers, and Documents: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar, and all Acts done by him, shall be reduced to Writing, and be signed by such Registrar, and shall be annexed to and form Part of the Proceedings.

Courts may direct Registrar to hold Meetings, &c.

Expenses of such Registrar, &c.

Powers of Registrar so acting.

**59.** It shall be lawful for the Judges of the Court of Appeal in Chancery to direct any Question of Fact to be tried and determined before themselves by the Verdict of a Special or Common Jury. The Judges of the said Court of Appeal in Chancery may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at *Westminster*, and also may make any other Orders which may be requisite for the Purpose of such Trial; and every such Jury shall consist of Persons possessing the like Qualifications, and shall be struck, summoned, and balloted for and called, in like Manner as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights, and be subject to the same Duties and Liabilities, as if he had been duly summoned for the Trial of a Civil Action in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights, as to Challenge and otherwise, as if he were a Party to a Cause in any of the said Superior Courts; and at the Trial the Jury shall be sworn to try the said Question of Fact, and a true Verdict to give thereon, according to the Evidence; and upon every such Trial such Court shall have the same Powers, Jurisdiction, and Authority as any Judge of the Superior Courts of Common Law sitting at Nisi Prius.

Questions of Fact may be tried by a Jury.

**60.** It

Issues may be directed.

**60.** It shall be lawful for the Judges of the Court of Appeal in Chancery respectively to direct One or more Issue or Issues to be tried in any Court of Common Law, and either before a Judge of Assize in any County, or if required by Circumstances, at the Sittings for the Trial of Causes in *London* or *Middlesex*, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

Appointment of Shorthand Writers.

**61.** In order to facilitate the Business of the Courts of Bankruptcy in taking Examinations, or the Evidence of Parties examined *vivâ voce*, the Court may, in any Matter of Bankruptcy or other Proceeding within the Jurisdiction of Courts, direct the Employment of a Shorthand Writer; and General Orders shall direct under what Regulations such Shorthand Writer shall be employed, and the Amount of the Remuneration to be allowed him, and the Parties by whom such Remuneration shall be paid.

Declaration to be made by Shorthand Writer.

**62.** Every Shorthand Writer so employed by the Court shall in every Case make in Court the following Declaration:

'I *A. B.* do solemnly and sincerely declare, That I will faithfully and truly take down the Questions and Answers put to and given by Persons to be examined in this Matter, and will deliver true and faithful Transcripts thereof, as the Court shall direct.'

Sealing and Signature of Warrants.

**63.** Every Warrant issued by any Court under this Act shall be under the Seal of the Court, and the Hand of the Commissioner; and every Summons shall be under the Hand of the Registrar, and under the Seal of the Court.

Records and Proceedings to be sealed.

**64.** The Courts shall cause to be sealed with the Seal of the Courts all such Records, Proceedings, Documents, and Copies of the same as are by this Act or shall be by General Orders required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Courts shall at any Time direct.

Want of Form, where not to invalidate Proceedings.

**65.** No Rule, Order, Warrant, or other Proceeding or Document required by this Act to be in a Form given in the Schedules to this Act, or to be given by any General Order, shall be invalidated by reason of any Want of Form or Omission therein, if such Want of Form or Omission shall not in the Opinion of the Court before which the same shall be brought be calculated to mislead or prejudicially affect any Party.

Appeal from County Courts.

**66.** Every Decision or Order of the Judge of any County Court acting in Bankruptcy under this Act shall be subject to Appeal to

to the Court of Appeal in Chancery, in like Manner and under the same Rules and Regulations as are now directed with respect to Appeals from the *London* and District Courts of Bankruptcy to the said Court of Appeal, or as may hereafter be directed by General Orders.

Returns to Parliaments.

**67.** The Registrars, Accountant in Bankruptcy, Master, Official Assignees, and Messengers of the Court in *London* and of the District Courts of Bankruptcy, and the Registrars of the County Courts acting in Bankruptcy, shall make to the Chief Registrar, in such Manner and Form as General Orders shall direct, annual Returns of the Business of their respective Offices, and from such Returns the Chief Registrar shall frame a general Return, judicial and financial, as to all Matters within this Act, and such general Return shall be laid before Parliament by the Lord Chancellor as early as may be after the Completion thereof; and the Returns to the Chief Registrar shall be kept by him of Record, and shall be open to the Inspection of Persons desirous of inspecting the same, on Payment of the Fee for Inspection of Proceedings set forth in Schedule (B.) to this Act.

As to the Buildings occupied for the Purposes of the Courts:

Buildings.

**68.** The Building in *Basinghall Street* in the City of *London* called the Court of Bankruptcy, and the Building in *Portugal Street, Lincoln's Inn Fields*, called the Court for the Relief of Insolvent Debtors in *England*, together with the Pieces or Parcels of Ground on which the same are severally erected, shall vest in the Commissioners of Her Majesty's Works and Public Buildings, and shall be appropriated to such Purposes as the Lord Chancellor shall direct.

As to the Persons subject to this Act:

Abolition of Distinction between Trader and Non-trader.

**69.** All Debtors, whether Traders or not, shall be subject to the Provisions of this Act; but no Debtor who is not a Trader shall be adjudged bankrupt except in respect of some one of the Acts of Bankruptcy herein-after described as applicable to a Non-trader.

As to Acts of Bankruptcy:

Non-trader going, or remaining abroad, or making fraudulent Conveyance, with Intent to defeat or delay his Creditors.

**70.** If any Person, not being a Trader, shall, with Intent to defeat or delay his Creditors, depart this Realm, or being out of this Realm shall with such Intent remain abroad, or shall with such Intent make any fraudulent Conveyance, Gift, Delivery, or Transfer of his Real or Personal Estate, or any Part thereof respectively, such Person shall be deemed to have thereby committed an Act of Bankruptcy: Provided always, that before any Adjudication in Bankruptcy shall be

be made against the Debtor under this Section the following Rules shall be observed:

Rules to be observed before Adjudication under this Section.

1. A Copy of the Petition for Adjudication shall be served personally on the Debtor, either within the Jurisdiction, or in such Place or Country, or within such Limits abroad, as the Court shall, upon Application for that Purpose, direct:
2. Such Copy Petition shall have endorsed thereon a Memorandum, in a Form to be settled by a General Order, specifying the Time within which the Debtor is to appear on such Petition; and such Time shall, when the Service is to be made abroad, be the Time which the Court shall think reasonable, having regard to the Place or Country where the Service is to be made:
3. In no Case shall the Time for Appearance be less than Thirty Days after Service:
4. If such personal Service has not been effected, the Court must be satisfied that every reasonable Effort was made to effect the same, and that the Attempts to serve such Petition came to the Knowledge of the Debtor and were defeated by his Conduct:
5. If at the Expiration of the Time limited for Appearance the Court shall on the Hearing of such Petition be satisfied that an Act of Bankruptcy has been committed within the Meaning of this Section, it may adjudge such Debtor to be a Bankrupt:

Proviso.

Provided always, that no Non-trader, who shall be abroad at the Time of the passing of this Act, shall be deemed to remain abroad with Intent to defeat or delay his Creditors until the Expiration of Six Months after the passing of this Act.

Trader or Non-trader lying in Prison, or escaping out of Prison.

**71.** If any Debtor, whether a Trader or not, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison, being a Trader, for Fourteen Days, or, not being a Trader, for Two Calendar Months, or, having been arrested for any Cause, shall lie in Prison as aforesaid, after any Detainer for Debt lodged against him, and not discharged, every such Debtor shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Debtor, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Debtor shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention: But no Debtor shall be adjudged bankrupt on the Ground of having lain in Prison as aforesaid, unless having been summoned he shall not offer

offer such Security for the Debt or Debts in respect of which he is imprisoned or detained, as the Commissioner or Registrar whose Duty it would otherwise be to adjudicate, shall deem reasonably sufficient.

Trader or Non-trader filing a Declaration that he is unable to meet his Engagements.

**72.** If any Debtor, whether a Trader or not, shall file in the Office of the Chief Registrar, or with the Registrar of a District Court of Bankruptcy, or of a County Court having Jurisdiction in Bankruptcy, a Declaration in Writing, in such Form as General Orders shall direct, signed by such Debtor, and attested by a Registrar of the Court, or by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Debtor shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition for Adjudication of Bankruptcy shall be filed by or against him within Two Months from the filing of such Declaration.

Trader Debtor suffering Execution to be levied.

**73.** If any Execution shall be levied by Seizure and Sale of any of the Goods and Chattels of any Trader Debtor, upon any Judgment recovered in any Action Personal for the Recovery of any Debt or Money Demand exceeding Fifty Pounds, every such Debtor shall be deemed to have committed an Act of Bankruptcy from the Date of the Seizure of such Goods and Chattels: Provided always, that, unless in the meantime a Petition for Adjudication of Bankruptcy against the Debtor be presented, the Sheriff or other Officer making the Levy shall proceed with the Execution, and shall at the End of Seven Days after the Sale pay over the Proceeds, or so much as ought to be paid, to the Execution Creditor, who shall be entitled thereto notwithstanding such Act of Bankruptcy, unless the Debtor be adjudged a Bankrupt within Fourteen Days from the Day of the Sale, in which Case the Money so received by the Creditor shall be paid by him to the Assignee under the Bankruptcy, but the Sheriff or other Officer shall not incur any Liability by reason of anything done by him as aforesaid: Provided also, that, in case of Bankruptcy, the Costs and Expenses of such Action and Execution shall be retained and paid out of the Proceeds of the Sale, and the Balance only, after such Payment, be paid to the Assignees.

Goods, &c. taken in Execution to be sold by Auction.

**74.** Wherever the Goods and Chattels of a Debtor are sold under an Execution upon any Judgment recovered in any Action or Suit brought for the Recovery of a Debt, Money Demand, or Damages against any Debtor, exceeding Fifty Pounds, such Goods and Chattels shall in all Cases, unless the Court shall otherwise direct, be sold by the Sheriff by Public Auction, and not by Bill of Sale or Private Contract, and such Sale shall be publicly advertised by the Sheriff on and during Three Days next preceding the Day of Sale.

**75.** The

As to Petition by or against Trader or Non-trader, followed by Adjudication, in the Foreign Dominions of the Crown.

**75.** The filing of a Petition by or against a Debtor, whether a Trader or not, in any Court having Jurisdiction for the Relief of Insolvent Debtors in Insolvency or Bankruptcy in any of Her Majesty's Dominions, Colonies, or Dependencies, and the Adjudication of an Act of Insolvency or Bankruptcy on such Petition, shall, for the Purposes of this Act, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Debtor at the Time of filing such Petition, or of the filing the Petition on which the Adjudication of an Act of Insolvency or of Bankruptcy shall have been made; and any Creditor or Creditors of such Debtor whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act may, at any Time within Two Months after Notice of such Adjudication shall have been given in the *London Gazette*, petition for Adjudication of Bankruptcy under this Act against such Debtor, and under such Petition all such Proceedings may be had and taken as are authorized and directed by this Act.

As to an Act of Bankruptcy by Nonpayment after Judgment Debtor Summons, and the Proceedings thereupon:

Judgment Debtor Summons against Traders and Non-traders; who may sue them out, and when.

**76.** Every Judgment Creditor who is or shall be entitled to sue out against a Debtor a Writ of Capias ad satisfaciendum, or to charge the Debtor in Execution, in respect of any Debt amounting to Fifty Pounds, exclusive of Costs, shall be entitled, at the End of One Week from the signing of Judgment, to sue out against the Debtor if a Trader, or not being a Trader at the End of One Calendar Month, and whether he be in Custody or not, a Summons, to be called a Judgment Debtor Summons, requiring him to appear and be examined respecting his Ability to satisfy the Debt.

The like, in Cases of Disobedience to Decree in Equity, or Order in Bankruptcy, Insolvency, or Lunacy.

**77.** Where, after the Commencement of this Act, a Decree or Order of a Court of Equity, or an Order in Bankruptcy or Insolvency or Lunacy, directing the Payment of Money, is disobeyed by the Debtor, the same having been duly served on him, and the Person entitled to receive the Money or interested in enforcing Payment of it has obtained a peremptory Order of the competent Jurisdiction, fixing a Day for Payment, and the Debtor does not, being a Trader, within Seven Days, or, not being a Trader, within Two Calendar Months, after Service on him of the peremptory Order, or, such Order having been duly served, within Seven Days after the Day fixed by the peremptory Order for Payment, (which shall last happen,) pay the Money, or secure, or tender or compound for it, to the Satisfaction of the Creditor, the Creditor shall be entitled at the End of those Seven Days to sue out against the Debtor a Judgment Debtor Summons.

**78.** The

**78.** The Judgment Debtor Summons shall, unless the Court shall in any Case otherwise direct, issue according to the following Rules:

Court out of which such Summons shall issue

Where the Debtor is in *England*, then out of the Court of Bankruptcy for the District in which the Debtor usually lives, or at the Time of the issuing of the Summons happens to be:

Where the Debtor is not in *England*, then out of the Court of Bankruptcy for the District in which is the Debtor's usual or last known Place of Abode in *England*.

**79.** Where the Debtor is in *England* the Summons shall be served personally, unless the Court issuing the same shall in any Case direct that Service in some other Manner shall be good Service: Where the Debtor is not in *England*, the Court, upon such Evidence as shall satisfy it that the Service will be effectual to give Notice to the Debtor, may order Service to be made in such Manner and Form as it shall deem fit, and shall appoint a Time by such Order for the Appearance of the Debtor.

Service of Summons

**80.** Where the Debtor is in Custody a Duplicate of the Summons shall be delivered to the Sheriff or other Person in whose Custody he is, who shall bring him up according to the Summons, at the Costs of the summoning Creditor.

Duplicate of Summons.

**81.** If Service of the Summons be not effected, and the Court is satisfied that the Debtor is keeping out of the Way to avoid Service, it may order that One or more Notices be inserted in the *London Gazette* and in One or more Newspapers published in the District in which is the Debtor's usual or last known Place of Abode, requiring him to appear on a Day named, being not less than Fourteen Days after the Publication of the first Notice.

Where Service cannot be effected, &c., Court may order Notice in London Gazette, &c.

**82.** Upon the Appearance of the Debtor he may be examined on Oath, by or on behalf of the Creditor and by the Court, respecting his Ability to satisfy the Debt, and for the Discovery of Property applicable in that Behalf, and shall be bound to produce, on Oath or otherwise, such Books, Papers, and Documents in his Possession or Power relating to Property applicable or alleged to be applicable to the Satisfaction of the Debt, as the Court shall think fit, and to sign his Examination when reduced into Writing; and any Debtor refusing to be sworn, or who shall upon Examination refuse or wilfully fail to discover fully and truly, to the best of his Knowledge and Belief, all his Property, Real and Personal, inclusive of his Rights and Credits, and to produce all Books, Papers,

Procedure upon Appearance of Debtor.

 and

and Documents in his Possession or Power relating thereto, shall be liable to be committed by the Court as in the Case of a Bankrupt.

Adjudication upon Summons, and Non-payment for Failure to secure or compound.

**83.** If, after Service of such Summons, or due Notice thereof, as aforesaid, the Debtor shall not pay the Debt and Costs, or secure or compound for the same to the Satisfaction of the Creditor, the Court may, on the Appearance of the Debtor, or if he shall not appear, having no lawful Impediment allowed by the Court, adjudge him bankrupt, without the Presentation of a Petition for Adjudication or other Proceeding; and where the Debtor has not appeared, Notice of such Adjudication shall be served upon him in like Manner as herein provided with respect to Service of the Summons.

Time to show Cause against Adjudication.

Adjudication, when to become absolute.

Stamp Duty thereupon.

**84.** The Debtor shall be allowed Seven Days from such Notice, or such further Time as the Court shall think fit, for appearing to show Cause against the Adjudication; and if he appear within the Time allowed, and show sufficient Cause, the Adjudication may be annulled; otherwise, at the End of the Time allowed, or on the Judgment of the Court against the Sufficiency of the Cause shown, the Adjudication shall become absolute, and Notice thereof shall be forthwith given in the *London Gazette;* and the Adjudication shall have relation back to the Service of the Summons, or the Insertion of the first Notice in the *London Gazette,* as the Case may be; and the Stamp Duty payable upon the Presentation of a Petition for Adjudication of Bankruptcy shall be paid in respect of Adjudication under this Section or under the last preceding Section by the Official Assignee or Creditors Assignee, as the Case may be, out of the first Monies that shall be received under the Estate of the Bankrupt.

Debtor refusing to conform may be committed.

**85.** The Provisions contained in Section Two hundred and sixty of "The Bankrupt Law Consolidation Act, 1849," relating to the Committal of a Person refusing to be sworn, or doing or omitting the other Acts or Things therein mentioned, shall apply to a Debtor appearing on a Judgment Debtor Summons.

As to Petitions for Adjudication of Bankruptcy, and the Proceedings thereupon:

Debtor may petition for Adjudication against himself.

**86.** Any Debtor may petition for Adjudication of Bankruptcy against himself, and the filing of such Petition shall be an Act of Bankruptcy, without any previous Declaration of Insolvency by such Debtor.

Proceedings to obtain Adjudica-

**87.** Proceedings to obtain Adjudication of Bankruptcy shall be by Petition, on the Oath of the Petitioner. Every such Petition shall

shall be filed of Record, and prosecuted as directed by this Act; and from and after the filing of such Petition, in the Case of a Debtor petitioning against himself, and from and after Adjudication, in the Case of a Petition filed against a Debtor who shall be adjudged bankrupt, the Bankrupt personally and all his Estate and Effects, of what Nature or Kind soever, shall be subject to the Law of Bankruptcy.

tion of Bankruptcy to be by Petition upon Oath. Proceedings, &c. upon filing Petition.

**88.** Every Petition for Adjudication of Bankruptcy, except as herein-after provided, shall be filed and prosecuted in the Court of Bankruptcy within the District of which such Debtor shall have resided or carried on Business for the Six Months next immediately preceding the Time of filing such Petition, or for the longest Period during such Six Months; but the Court in *London* may order any such Petition to be prosecuted in any District, with or without reference to the District in which the Debtor shall have so resided or carried on Business, or may consolidate the Proceedings or any Part thereof under Two or more Petitions for Adjudication of Bankruptcy, or may impound any Petition for Adjudication of Bankruptcy, or Judgment Debtor Summons, and the Proceedings thereunder, or any Part thereof, upon such Terms as the Court shall think fit, or may transfer any Petition for Adjudication of Bankruptcy, or Judgment Debtor Summons, and the Proceedings thereunder, and the Prosecution or further Prosecution thereof, from the Court in any one District to the Court in any other District, or to a County Court having Jurisdiction in Bankruptcy; and the Court to which any such Transfer shall be made may remove the Official Assignee, and appoint a new Official Assignee to any such Bankruptcy.

Where Petition shall be filed and prosecuted.

Powers to consolidate, impound, and transfer Proceedings upon Petitions.

**89.** The Amount of the Debt of any Creditor petitioning for Adjudication of Bankruptcy against a Debtor, whether a Trader or not, shall be as follows; that is to say,

Amount of Petitioning Creditor's Debt.

The Debt of a single Creditor, or of Two or more Persons being Partners, shall amount to Fifty Pounds or upwards:

The Debt of Two Creditors shall amount to Seventy Pounds or upwards:

The Debt of Three or more Creditors shall amount to One hundred Pounds or upwards:

Every Person who has given Credit to any Debtor upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Debtor committed an Act of Bankruptcy, may so petition or join in petitioning, whether he shall have any Security for such Sum or not.

**90.** The

Debt of Petitioning Creditor of a Non-trader must be contracted after passing of Act, &c.

**90.** The Debt of the Petitioning Creditor of any Debtor not being a Trader, and not being at the Time a Prisoner against whom such Creditor would have been entitled to obtain a Vesting Order in Insolvency if this Act had not passed, must be a Debt contracted after the passing of this Act; and the Judgment Debtor Summons must be a Summons in respect of a Debt contracted or of a Liability incurred after the passing of this Act.

Petition fraudulently or maliciously filed, Court may order Satisfaction.

**91.** If the Debt stated by the Petitioning Creditor in his Affidavit, or in his Petition for Adjudication, to be due to him from any Debtor, shall not be really due, or if, after a Petition for Adjudication of Bankruptcy filed, it shall not have been proved that the Person against whom such Petition has been filed was liable to an Adjudication of Bankruptcy at the Time of the filing of such Petition, and it shall also appear that such Petition was filed fraudulently or maliciously, the Courts shall and may, upon Petition of any Person aggrieved by such Petition, examine into the same, and order Satisfaction to be made to him for the Damages by him sustained.

Petition by the public Officer of Copartnership.

**92.** A Petition for Adjudication of Bankruptcy or Judgment Debtor Summons against any Debtor indebted in the Amount aforesaid to any Copartnership duly authorized to sue and be sued in the Name of a public Officer or Agent of such Copartnership may be filed or sued out by such public Officer or Agent as the nominal Petitioner for and on behalf of such Copartnership; provided such public Officer or Agent shall, in a Declaration signed by him, in such Form as General Orders shall direct, declare that he is such public Officer or Agent, and that he is authorized to sue.

Debtor petitioning against himself to file Statement of Debts.

**93.** Every Debtor petitioning against himself shall file in Court a full, true, and accurate Statement, verified by the Oath of the Petitioner, of his Debts and Liabilities of every Kind, and of the Names and Residences of his Creditors, and of the Causes of his Inability to meet his Engagements, within such Time after filing his Petition, and in such Form, as General Orders shall direct.

Debtors residing in the Metropolitan District to file Petition in London Court; not residing in Metropolitan District, in County Court.

**94.** Where a Debtor petitions for Adjudication against himself, and knows or verily believes the Debts justly due and proveable under the Bankruptcy to amount in the whole to a Sum not exceeding Three hundred Pounds, such Fact shall be stated on Oath, and if he be resident within the Metropolitan District as herein defined, he shall file his Petition in the *London* Court of Bankruptcy, and where such Debts shall not exceed Three hundred Pounds, and the Debtor shall not be resident in the Metropolitan District, he shall file his Petition in the County Court for the District in which he shall have resided for

for the Six Months next before the filing of his Petition, or for the longest Period during those Six Months, unless he is in Custody, and then in the County Court for the District in which he is in Custody; but such Court, if it make Adjudication, shall transfer the Proceedings to the County Court in which the Debtor, if not in Custody, would have been required to petition.

**95.** Every Debtor who shall present a Petition for Adjudication whilst a Prisoner in any Prison or Gaol shall by Writing give Notice to the Keeper of such Gaol or Prison of his Intention so to do, and shall in his Petition state that such Notice has been given. Notice to Gaoler.

**96.** If the Petitioning Creditor shall not proceed and obtain Adjudication within Three Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may, at any Time on the Expiration of such Three Days, or of such extended Time, as the Case may be, upon the Petition of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such last-mentioned Petition. If a Debtor petitioning against himself does not obtain Adjudication within Twenty-four Hours after filing such Petition, the Court may proceed to adjudge the Debtor a Bankrupt on the Petition of any competent Creditor. Where Petitioner does not proceed, Power for Court to adjudicate.

**97.** In the Computation of Debts for the Purposes of any Petition under this Act there shall be reckoned as Debts,— What shall be reckoned as Debts, for the Purposes of a Petition under this Act.

1. Sums due to Creditors holding Mortgages or other available Securities or Liens; after deducting the Value of the Property comprised in such Mortgages, Securities, or Liens:
2. Such Interest and Costs as shall be due in respect of any of the Debts:

But there shall not be reckoned,—

1. The Amount of the Debts in respect of which the Petitioner has already taken the Benefit of Insolvency, Protection, or Bankruptcy:
2. Debts barred by any Statute of Limitations.

As to Adjudication of Bankruptcy against Pauper and other Prisoners for Debt:

**98.** If any Debtor, whether a Trader or not, now being or who shall be imprisoned for any Debt or Demand, shall through Poverty be unable to petition the proper Court for an Adjudication of Bankruptcy against himself, he shall be at liberty to petition *in formâ pauperis*, upon making an Affidavit that he has not the Power for Prisoners for Debt to petition in formâ pauperis.

Means of paying the Fees and Expenses usually payable in respect of a Petition by a Debtor for an Adjudication of Bankruptcy. Such Affidavit may be sworn before the Gaoler of the Prison where such Debtor is confined, and such Gaoler is hereby empowered and required to take such Affidavit, and swear the Deponent thereto, without Fee or Reward.

Proceedings upon such Petition.

**99.** Every Person so petitioning *in formâ pauperis* as aforesaid shall, if not previously discharged by a Registrar, be brought up to the County Court of the District at its next Sitting after the Presentation of such Petition, and shall be examined by the Court touching his Estate and Effects, Debts, Dealings, and Transactions; and if the Court shall be satisfied with such Examination it shall make an Order of Adjudication of Bankruptcy against the Petitioner, and, if it think fit, grant an Order of Protection to the Petitioner.

Gaoler to make monthly Return of all Prisoners for Debt.

**100.** The Gaoler of every Prison in *England* or *Wales* within the Walls, Rules, or Liberties whereof any Person shall be in Custody upon any Process whatsoever, for or by reason of any Debt, Claim, or Demand whatsoever, shall on the First Day of every Month, or if such Day shall happen to be *Sunday*, then on the Day next following, make a Return under his Hand of the Name of every such Person, and the Date of his or her Imprisonment, and the Nature and Amount of the Debt or Demand, Debts or Demands, for which he or she is imprisoned or in Custody, and whether he or she is willing or refuses to petition the Court of Bankruptcy, or is unable to do so by reason of Poverty, or in such other Form and Manner and with such Particulars as any General Orders shall direct. Such Return shall also include the Names and Addresses of every Creditor at whose Suit each such Prisoner is imprisoned or detained, and shall be made by Gaolers of Prisons situate within the *London* District to the *London* Court, and by the Gaolers of Prisons within the Country Districts to the District Court of Bankruptcy, or the County Court having Jurisdiction in Bankruptcy, within the Jurisdiction of which the Gaol is situate, as the Case may be.

Registrar to attend at the Gaol, and examine every Prisoner in such Return.

**101.** The Commissioner or County Court Judge, as the Case may be, shall in every Case, on receiving such Return, make an Order that a Registrar of the Court of Bankruptcy or of the County Court of the District in which the Gaol is situate shall attend at the Gaol on a Day to be named, being at least Seven and not more than Twenty-one Days from the Date of such Return. Notice of such Order shall be forthwith given to the Gaoler and also to the Execution and detaining Creditors of every Prisoner included in such Return. On the Day named in the Order the Registrar shall attend at the Prison, and examine every Prisoner

Prisoner included in such Return who shall have been in Prison, being a Trader, for Fourteen Days, or, not being a Trader, for Two Calendar Months, touching his Estate and Effects, Debts, Dealings, and Transactions: The Registrar shall also ascertain the last Place of Abode and Business of each such Prisoner within the Six Months next prior to his Imprisonment. The Registrar shall have Power to make an Order of Adjudication in Bankruptcy against every such Prisoner, and to grant him Protection, and to make an Order for his Release from Prison, and shall also direct in what Court such Adjudication shall be prosecuted, having regard to the Amount of Debts and the Place of Trade or Residence of the Prisoner within the Six Months next preceding his Imprisonment. The Registrar shall certify the Particulars of each Case to the Court of which he is Registrar.

Power for Registrar to make Order of Adjudication.

**102.** If the Prisoner shall refuse to appear or to be sworn, or to answer all lawful Questions of such Registrar or of the Execution or detaining Creditor, or of any other Creditor who shall be present, respecting his Debts, Liabilities, Dealings, and Transactions, or to make a full Discovery of his Estate and Effects, and of all his Books of Account, or to produce the same, or to sign his Examination when taken, the Registrar shall report the same to the Court, and the Court may, by Warrant under the Hand and Seal of the Judge or Commissioner, commit him to the Common Gaol of the County, there to be kept, with or without Hard Labour, for any Time not exceeding One Month, and the Court may at the same Time adjudge such Prisoner bankrupt; provided that if after such Adjudication the Bankrupt shall, before the Period of such Commitment has expired, submit to be examined, and in all things conform to the Jurisdiction of the Court, he shall have in all respects the same Benefit as if he had submitted to the Court in the first instance.

Where such Prisoner refuses to conform, the Court may commit him.

**103.** Every Adjudication against any Prisoner for Debt so brought up as aforesaid shall, unless the Court shall otherwise direct, have relation back to the Date of his Commitment or Detention, as the Case may be, and shall be as valid and effectual for all Purposes as if it had been made under any other of the Provisions of this Act.

Effect of Adjudication against Prisoner for Debt.

**104.** No Person who is in Custody solely under or by reason of any Warrant or Order made or issued by or by the Authority of a Judge, under the Provisions of the Act of the Eighth and Ninth Years of Her present Majesty, Chapter One hundred and twenty-seven, or of the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Ninety-five, or by the Authority of any Court having the Power to commit any Person to Prison upon or by reason of any Order or Judgment wherever there shall have been recovered a Sum

Persons imprisoned under 8 & 9 Vict. c. 127. and 9 & 10 Vict. c. 95., &c., not to be included in the Return.

Sum for Debt not exceeding Twenty Pounds exclusive of Costs, shall be included in the Return so directed to be made by Gaolers as aforesaid, or released from such Imprisonment by virtue of any Order to be made by the Registrar as aforesaid, or be entitled to petition *in formâ pauperis* under this Act.

Discretion of County Court Judge under 8 & 9 Vict. c. 127. and 9 & 10 Vict. c. 95.

**105.** Every Judge in acting under the last-mentioned Statutes, and in deciding whether the Party summoned before him has then or has had since the Judgment obtained against him sufficient Means and Ability to pay the Debt or Damages, or Costs, so recovered against him, either altogether or by any Instalment or Instalments as ordered, shall take into consideration all the Debts and Liabilities of the Party so summoned, and his Conduct in disposing of his Money or Property since the Judgment was given.

As to Lunatic Prisoners for Debt:

Adjudication in case of Lunatic Prisoners for Debt.

**106.** If any Person being or alleged to be of unsound Mind shall be in Prison for Debt, the Gaoler shall forthwith require a Justice of the Peace for the County or Place wherein such Prison shall be to visit such Debtor, and to inquire into his State of Mind; and such Justice shall call to his Assistance Two duly qualified Medical Practitioners, each of whom shall be a Physician, Surgeon, or Apothecary, and each of whom shall separately examine such Debtor; and if such Two Medical Practitioners shall each sign a Certificate with respect to such Debtor, according to the Form in Schedule H. to this Act annexed, and such Justice shall be satisfied from his own View that such Debtor is of unsound Mind, he shall certify the same to the proper Court, and thereupon the Court may appoint some Person to represent such Debtor, and direct such Proceedings to be taken for Adjudication in Bankruptcy against him as the Court shall think fit; and all Proceedings under such Adjudication shall be had and carried on in the same Manner and with the like Effect as if such Prisoner had been of sound Mind, and had presented a Petition to the Court for Adjudication of Bankruptcy, or as near thereto as the Difference of Circumstances will permit.

Power thereupon for Justice of the Peace to remove such Prisoners to County Asylum.

**107.** Any Justice of the Peace of the County or Place aforesaid may thereupon remove such Prisoner from such Gaol, and may cause him to be sent to the Asylum of the County in which such Gaol shall be situate, in order that he may be placed under Care and Treatment as a Lunatic; and such Removal shall not be considered as an Escape or final Discharge from such Gaol, and such Prisoner shall thereafter be dealt with in all respects as a Pauper Lunatic, and shall be subject to the Acts of Parliament for the Time being in force respecting Pauper

Pauper Lunatics, or as near thereto as Circumstances will permit: Provided nevertheless, that in the event of his Recovery from his Lunacy, he shall, if still liable to be detained in Custody as a Debtor, be remitted to the Gaol from whence he was received.

As to Procedure after Adjudication:

**108.** Immediately on Adjudication it shall be the Duty of the Official Assignee to take possession of the Bankrupt's Estate, and to retain Possession thereof until the Appointment of a Creditors Assignee; but if such Official Assignee, or if the Court, upon the Representation of any Creditor, shall be of opinion that the keeping Possession of the Bankrupt's Property is not requisite for the due Protection of the Creditors, such Possession shall not be continued. Official Assignee to take possession.

**109.** As soon as conveniently may be after Adjudication shall have become absolute, the Court shall appoint a Meeting of the Creditors, of which Ten Days Notice shall be given in the *London Gazette*, and which Meeting shall be held at such Time and Place as the Court shall appoint; and at such Meeting a Registrar, or such other Person as the Court shall appoint for that Purpose, shall preside, and receive the Proofs of the Debts of the Creditors. The Official Assignee shall attend and give to the Meeting the fullest Information in his Power of the Estate and Effects of the Bankrupt, and of the Debts due from his Estate; and it shall be lawful for the Majority in Number and Value of the Creditors present at such Meeting or at any Adjournment thereof to resolve and determine that the Proceedings in the Bankruptcy shall be transferred to and thenceforth prosecuted in the County Court of any District, other than the Metropolitan District, and the Court shall order the same accordingly, upon being satisfied that such Resolution was duly made. At this Meeting a Majority in Value of the Creditors present shall determine whether any or what Allowance for Support shall be made to the Bankrupt up to the Time of passing his last Examination. Meeting of Creditors. Proof of Debts. Transfer to County Court.

**110.** In case at such Meeting or at any other Meeting of Creditors any Proposal shall be made by or on behalf of the Bankrupt which it shall appear to the major Part in Value of the Creditors then present ought to be accepted, or if it shall appear to the Majority in Value of the Creditors present at any Meeting to be desirable on any Ground to resolve, and such Majority shall resolve, that no further Proceedings be taken in Bankruptcy, the Meeting shall be adjourned for Fourteen Days, in order that Notice of such Resolution may be given to every Creditor by the Official or Creditors Assignee, which shall be done accordingly; and if at such adjourned Meeting a Majority Option to Creditors.

Majority in Number representing Three Fourths in Value of the Creditors present shall so resolve, the Proceedings in Bankruptcy shall be suspended, and the Estate and Effects of the Bankrupt shall be wound up and administered in such Manner as such Majority shall direct, and the Bankrupt having made a full Discovery of his Estate shall be entitled to apply for an Order of Discharge.

Amendment of 12 & 13 Vict. c. 106. s. 123. as to Attestations to Admissions of Debt.

**111.** From and after the passing of this Act no Attestation shall be required to give effect to the Admission referred to in the One hundred and twenty-third Section of "The Bankrupt Law Consolidation Act, 1849;" but such Admission shall be signed in the Presence of some Officer of such Court, who shall attest such Signature thereto.

Form of Warrant for Commitment of Bankrupt.

**112.** In any Warrant of Commitment issued by any Court under this Act it shall not be necessary to set forth or specify any Question or any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the Warrant to the Examination or Deposition of the Person as remaining on the File of Proceedings, and to specify in the said Warrant the precise Date of the Examination or Deposition so referred to; and such Warrant shall be in the Form contained in Schedule (C.) to this Act; provided, however, that in every Case in which any Person shall be so committed for refusing to answer or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within Twenty-four Hours next after his actual Committal to Prison; and in default of the said Copy being delivered the Person committed shall be discharged from Custody, either by the Court or by the Judge before whom such Person may be brought by Habeas corpus, with such Costs, if any, as the said Court or Judge may deem just.

Copy of his Examination to be delivered to Person committed.

Discharge of Person committed.

**113.** If any Person so committed shall sue forth any Writ of Habeas corpus in order to be discharged from such Commitment, he shall not be discharged by reason of any mere Matter of Form, but if the Court or Judge before whom he shall be brought, upon Inspection and Consideration of the whole of the Examination or Deposition of such Person, shall be of opinion, that the Answer or Answers of such Person is or are satisfactory, the Court or Judge may order the Person so committed to be discharged.

As to Copyholds and Custom-

**114.** The Court shall have Power to dispose, for the Benefit of the Creditors, of any Estate or Interest at Law or in Equity which at Adjudication

Adjudication or afterwards, before Order of Discharge, a Bankrupt has in any Copyhold or Customary Land, and to make an Order vesting the Land or such Estate or Interest as the Bankrupt has therein in such Person and in such Manner as the Court shall think fit.

ary Lands of Bankrupt.

**115.** Where, under any Settlement or Will, a Bankrupt Non-trader shall be entitled to a Life Estate, in Remainder expectant upon the Death or Deaths of any previous Tenant or Tenants for Life, with any Remainder over to the Bankrupt's Issue, or the Heirs of his Body or any of them as Purchasers, the Life Estate of such Bankrupt Non-trader shall not be sold before it falls into possession without an express Direction of the Court.

Life Estate in Remainder, &c.

As to the Choice of a Creditors Assignee:

**116.** At the First Meeting of Creditors, or any Adjournment thereof, it shall be competent to the Majority in Value of the Creditors who have proved Debts to choose an Assignee or Assignees of the Bankrupt's Estate and Effects, and to be called the Creditors Assignee; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be such Assignee, and upon such Rejection a new Choice of Creditors Assignee shall be made.

Creditors Assignee when and how to be chosen.

**117.** Upon the Appointment of the Creditors Assignee, all the Estate, both Real and Personal, of the Bankrupt, shall be devested out of the Official Assignee, and vested in the Creditors Assignee.

On Appointment of Creditors Assignee Bankrupt's Estate vested in the same.

**118.** The Official Assignee shall forthwith render to the Creditors Assignee a full and particular Account or Balance Sheet of the Bankrupt's Estate, and of all Receipts, Payments, and other Transactions of such Official Assignee, and also a List of all the Creditors of the Bankrupt who have proved their Debts against the Estate.

Official Assignee to render Account to the Creditors Assignee.

**119.** The Creditors Assignee shall, in the Presence of a Registrar, audit such Account, and may call for such Information from the Official Assignee as he possesses concerning the Estate. The Account shall be audited in the Presence of the Judge of the Court, in Cases where the Registrar of such Court is also the Official Assignee. A printed Copy of such Account of the Official Assignee, when audited, shall, unless the Registrar or the Judge, as the Case may be, shall otherwise direct, be sent by Post by the Creditors Assignee to every Creditor who has proved.

Creditors Assignee shall audit Accounts of Official Assignee.

**120.** The

Custody of Bankrupt's Books.

**120.** The Court shall give such Directions as it may deem expedient with respect to the Custody and Inspection of the Books, Papers, Writings, and Documents relating to the Estate, and may authorize the Official Assignee to have the Custody thereof or of any Part thereof.

Bankrupt's Books not subject to Lien.

**121.** No Person shall be entitled, as against the Official or Creditors Assignee, to withhold Possession of the Books of Account of the Bankrupt, or to claim any Lien thereon.

Security by Creditors Assignee.

**122.** The Majority in Value of the Creditors present at the Meeting for Choice of a Creditors Assignee shall determine whether any Security shall be given by such Assignee, and if so, the Amount and Nature thereof, and such Security may, if the Creditors so determine, be by way of Bond given to any Registrar of the Court or his Successors, who are hereby authorized to sue thereon. At the same Meeting, or at any other Meeting called for the Purpose, the Majority in Value of the Creditors present may also determine whether a Manager shall be appointed to collect and wind up the Estate, under the Inspection of the Creditors Assignee, or of a Committee of Creditors, and may appoint such Person, with such Remuneration out of the Estate, and generally upon such Terms, for such Period, and with such Directions as the Majority shall think fit.

Certificate of Appointment of Assignee.

**123.** When the Election of an Assignee shall have been accepted by the Person elected and confirmed by the Court, the Court shall, by Certificate under the Hand of the Commissioner and the Seal of the Court (to be called the Certificate of Appointment), declare such Creditors Assignee to have been duly elected, and appoint him to the said Office accordingly. Such Appointment shall be final, and shall not be subject to Review or Appeal, except as herein-after provided.

Removal of Creditors Assignee or Manager.

**124.** A Majority in Number and Value of the Creditors may, at any Meeting duly called for the Purpose, remove the Creditors Assignee or Manager or accept of his Resignation; and One Fourth in Value of the Creditors who have proved may at any Time apply to the Court, by Petition, for the Removal of the Creditors Assignee or Manager, and if on the Hearing of such Petition the Court shall be of opinion that sufficient Reason has been shown, it may remove such Creditors Assignee or Manager, and appoint a Meeting of the Creditors to be held for electing a new Creditors Assignee; and if the Assignee shall die, resign, or be removed, or remain abroad for Three Months at any One Time, any Creditor may apply to the Court to appoint a Meeting for electing a new

new Creditors Assignee, and the Court may accordingly appoint a Meeting, whereof at least Seven Days previous Notice shall be given in the *London Gazette*, and such Meeting may elect a new Creditors Assignee accordingly.

**125.** In all Cases of the Election of a new Creditors Assignee the Proceedings shall take place in the like Manner as is hereinbefore provided in the Case of the First Election, and the new Creditors Assignee shall have the same Powers and perform the same Duties as the Creditors Assignee first chosen, and shall call to account such Creditors Assignee, his Heirs, Executors, Administrators, or Assigns, as the Case may require.

Mode of electing new Creditors Assignee; his Powers and Duties.

**126.** No Valuation of a Bankrupt's Property shall be made, unless the Court shall so direct; and any Valuation required by the Creditors shall be made in such Manner and upon such Terms as General Orders shall from Time to Time direct.

As to Valuation of Bankrupt's Property.

As to the Rights and Duties of the Creditors Assignee:

**127.** The Creditors Assignee shall manage, and, except as herein provided, realize and recover the Estate belonging to the Bankrupt, wherever situated, and convert the same into Money, and he shall pay all Monies not necessarily retained for current Expenses, all Exchequer Bills, *India* Bonds, and all other Public Securities, and all Bills, Notes, and negotiable Instruments belonging to the Estate, forthwith upon Receipt thereof, into the Bank of *England*, to the Account of the Accountant in Bankruptcy, unless in the Case of any Adjudication in a Country District there shall be no Branch of the Bank of *England* in the Locality, and then into such Bank as the Court shall direct, to the Credit of an Account to be opened in such Bank by such Assignee in his official Character.

Duties of Creditors Assignee.

**128.** The Official Assignee shall collect, realize, and recover every Debt due to the Estate the Amount of which shall not exceed the Sum of Ten Pounds, and shall pay all Sums so collected, realized, and recovered forthwith into the Bank of *England*, or otherwise in manner in the next preceding Clause provided; and as to all such Sums of Money he shall be and shall be deemed sole Assignee of the Estate, notwithstanding the Appointment of a Creditors Assignee.

The Official Assignee to collect Debts under 10*l.*

**129.** The Creditors Assignee shall, at the End of Three Months from and after his Appointment, and thenceforth at the Expiration of every succeeding Three Months, render to the Official Assignee, in the Presence of the Registrar, a Debtor and Creditor Account of all Sums

Creditors Assignee to render Accounts to Official Assignee every Three Months.

Sums received and paid on account of the Bankrupt or his Estate, verified on Oath as a full, true, and faithful Account of his Receipts and Payments as such Creditors Assignee; and the Vouchers for such Account, and all Books of Account in his Possession or Power, together with his Banker's Pass Book, shall be produced by him to the Official Assignee, who shall examine the same, and if he shall be dissatisfied with such Account, the same, or any Part thereof, or any Matter arising thereon, shall be inquired into and considered by the Registrar, in the Presence of the Official and Creditors Assignee; and if no Creditors Assignee be appointed, the Official Assignee shall in like Manner render the Account herein required to the Registrar, who shall examine the same: Provided, that in the Case of County Court Registrars their Accounts, as Official Assignees, shall be in like Manner rendered to and examined and passed by the Judges of their respective Courts.

If no Creditors Assignee appointed, Official Assignee to render Accounts.

Accounts to be printed and circulated.

**130.** Forthwith after the passing of each such Account of the Creditors Assignee, a Copy thereof, or a Statement showing the Nature and Result of the Transactions and Accounts of the Assignee, shall be made out by the Official Assignee, and sent by him in a printed Form through the General Post to every Creditor who has proved under the Bankruptcy.

Assignees may elect to take Lease for limited Period.

**131.** In every Case of a Lease or an Agreement for a Lease it shall be lawful for the Assignees to elect to take the same and the Benefit thereof, and to keep possession of the Premises up to some Quarter or Half-yearly Day on which Rent is made payable by the same Lease or Agreement, such Day not being more than Six Months from the Adjudication of Bankruptcy, and upon such Day to decline such Lease or Agreement for a Lease.

Mortgagee may bid at Sale.

**132.** Any Mortgagee, with the Leave of the Court first obtained, may bid at any Sale of the mortgaged Property.

Power to mortgage or pledge Bankrupt's Property.

**133.** If it shall appear to any Meeting of the Creditors summoned by the Assignees, by Notice stating the Object of the Meeting, and at which Three Fourths in Value of the Creditors shall be present or represented, that the Debts of any Bankrupt can be discharged by means of Money raised by way of Mortgage or Pledge of any of his Property, and such Meeting shall pass a Resolution accordingly, it shall be lawful for the Assignees, when thereunto authorized by Order of the Court, to execute such Mortgage or Pledge, with or without Powers of Sale and other Powers, and in such Manner in all respects as shall be specified in such Order; and the Court may order the Execution of such Mortgage or Pledge by any other necessary Parties,

Parties, and give all necessary Directions for the Purpose of carrying into effect the Resolution of the Creditors.

**134.** The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as, on Communication from the Court, the Secretary of State for War, or the Secretary of State for *India*, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, may officially sanction to be paid to the Assignees, to be applied in Payment of the Debts of such Bankrupt; and such Order and Sanction being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of State for *India*, or of any other Officer or Person appointed to pay or paying any such Pay, Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Sanction shall be paid to such Assignees until the Court shall make Order to the contrary.

Portion of Pay, Half Pay, Salary, or Pension of Bankrupt to be applicable for Creditors.

**135.** If any Bankrupt be a beneficed Clergyman the Assignees may apply for and obtain a Sequestration of the Profits of the Benefice of such Bankrupt, which Profits shall form Part of the Bankrupt's Estate, and be applied accordingly; and the Certificate of Appointment of such Assignees shall be a sufficient Authority for the granting of such Sequestration, without any Writ or other Proceeding to authorize the same, and such Sequestration shall accordingly be issued as the same might have been issued upon any Writ of Levari facias founded upon any Judgment against such Bankrupt: Provided always, that the Sequestrator shall allow out of the Benefice to the Bankrupt whilst he performs the Duties of the Parish or Place such an annual Sum, payable quarterly, as the Bishop of the Diocese in which the Benefice is situated shall direct; and it shall be lawful for the Bishop to appoint to such Bankrupt such or the like Stipend as by Law he might have appointed to a Curate duly licensed to serve such Benefice in case the Bankrupt had been non-resident.

Sequestration of Profits of Benefice of Bankrupt Clergyman may be obtained.

**136.** In case of any Claim, Dispute, or Difference between the Official Assignee, the Creditors Assignee, and the Creditors, or any of such Persons, or between any Persons claiming under a Trust Deed, Deed of Composition or Arrangement, relating to any Bankrupt's or Debtor's Estate, or to any Money or Property claimed as Part of the Estate of any Bankrupt or Debtor, either Party may apply to the Court having Jurisdiction in the Bankruptcy, and in other Cases

Court may determine on all Differences between Assignees and Creditors, or between Parties

claiming under Trust Deeds.

Cases to the Court in *London;* and it shall be lawful for the Court to determine the same, and to summon and examine upon Oath the Official or Creditors Assignee, Trustee, or any other Person whomsoever, as to any Matters and Things concerning the Bankruptcy or Trust Estate, and to direct such Inquiries, and to give such Directions, and make such Orders relative thereto, as shall to the Court seem just and expedient, and to award Costs, personally or in any other Manner, against the Official or Creditors Assignee, Trustee, or any other Person; provided that in all Cases in which a Resolution has been come to by a Majority in Number and Value of the Creditors assembled in a Meeting, regard shall be had by the Court to such Resolution, and the same shall not be varied or set aside by the Court, unless such Resolution shall, in the Opinion of the Court, be unjust or inequitable, and not fit to be binding and conclusive under this Act.

Power for Assignees to sell Bankrupt's Book Debts, Goodwill, &c.

**137.** At any Time after the Expiration of Twelve Months from Adjudication, or at any earlier Period with the Approbation of the Court, the Assignees may sell by Auction or Tender, or, with the Sanction of the Court, by private Contract, all or any of the Book Debts due or growing due to the Bankrupt, and the Books relating thereto, and the Goodwill of his Trade or Business, and assign the same to the Purchaser; and such Purchaser shall, by virtue of the Assignment, have Power to sue in his own Name for the Debts assigned to him, as effectually, and with the same Privileges concerning Proof of the Requisites of Bankruptcy and other Matters, as the Assignee himself.

Disposal or Custody of Bankrupt's Books and Papers after his Affairs are wound up.

**138.** When the Affairs of the Bankrupt are fully wound up, the Court may, subject to the Directions of any General Order make from Time to Time such Orders as in each Case seem fit respecting the Disposal or Custody of any Books, Papers, or Documents relating to Property or Affairs in the Possession or under the Control of the Official Assignee, the Creditors Assignee, or any other Person.

Removal of Creditors Assignee.

**139.** If the Creditors Assignee shall wilfully fail to observe any of the Directions herein contained, or shall be guilty of any Neglect in the Performance of his Duty, or it shall be made to appear to the Court, on the Application of any Two or more Creditors, that it would be for the Benefit of the Estate that such Creditors Assignee should not continue to have the Management and Administration of the Bankrupt's Estate, it shall be lawful for the Court either to appoint an Official Assignee to act jointly with such Creditors Assignee, or to remove such Creditors Assignee, and

and direct a Choice of another Creditors Assignee, or to appoint an Official Assignee alone to wind up and administer the Estate under the Bankruptcy.

As to the last Examination:

**140.** The Court shall, forthwith after the Meeting for the Choice of an Assignee by the Creditors, appoint a public Sitting on a Day not later than Sixty Days from the Date of such Meeting, and shall give Notice of such Sitting in the *London Gazette*, and in such Newspapers as the Court shall direct, for the Bankrupt to pass his last Examination, and also, unless the Court shall in any Case otherwise direct, to make Application for his Discharge; but the Court shall have Power to enlarge the Time appointed for such Sitting, or to adjourn the same.

Court to appoint Sitting for last Examination and Application for Discharge.

**141.** The Bankrupt shall prepare such Statement of his Accounts and in such Form as General Orders or as the Court in any Case shall direct, and shall subscribe such Statement, and file the same in Court Ten Days at least before the Day appointed for the last Examination, or Adjournment thereof; and such Statement may before such last Examination be amended from Time to Time as Occasion shall require and the Court shall direct; and the Bankrupt shall make Oath of the Truth of such Statement, whenever he shall be duly required by the Court so to do; and the last Examination of the Bankrupt shall in no Case be passed unless his Statement shall have been duly filed as aforesaid.

The Bankrupt to prepare and file a Statement of Accounts.

**142.** The Statement of Accounts, when filed in Court, shall be open to the Inspection of all Creditors, who may take Copies of and Extracts from the same, subject to such Regulations as General Orders shall direct; and an Abstract thereof shall be printed, and a printed Copy of such Abstract shall be sent by Post within a Week from the filing thereof, by the Official Assignee, to each Creditor who has proved.

Statement of Accounts to be open to Creditors.

**143.** In the Preparation of such Statement of his Accounts the Bankrupt shall be assisted by the Official Assignee, who shall prepare and file in Court, together with such Statement, a Report upon the State of the Affairs of the Bankrupt, setting forth such Facts and Particulars as may be required by the Court, or as it shall in the Opinion of such Assignee be important for the Court to be informed of: Provided that if it shall in any Case appear to the Court that there are special Circumstances rendering it necessary that the Bankrupt should be assisted in the Preparation of such Statement of Accounts by some Person other than such Official Assignee, the Court may nominate some such Person to assist the Bankrupt in that Behalf, and

Official Assignee to assist in preparing such Statement; and to file therewith a Report upon the State of Bankrupt's Affairs.

Power to grant Assistance to Bankrupt to make out

Statement under special Circumstances.

and may allow to such Person, out of the Bankrupt's Estate, such Remuneration as to the Court, upon the Taxation of such Person's Bill of Costs, shall seem just; and in such Case the Statement so prepared shall have appended thereto a Certificate signed by the Person appointed to assist the Bankrupt in the Preparation thereof, expressing his Approval or Disapproval thereof, and the Particulars and Reasons of such Disapproval.

As to Proof of Debts:

When and how Debts may be proved.

**144.** Every Creditor of the Bankrupt may, after Adjudication, prove his Debt, by delivering or sending through the General Post, before the Appointment of the Creditors Assignee, to the Official Assignee, and after such Appointment to the Creditors Assignee, a Statement of such Debt, and of the Account, if any, between the Creditor and the Bankrupt, together with a Declaration, signed by the Creditor, appended thereto, that such Statement is a full, true, and complete Statement of Account between the Creditor and the Bankrupt, and that the Debt thereby appearing to be due from the Estate of the Bankrupt to the Creditor is justly due; and all Bodies Politic and Public Companies incorporated, or authorized to sue or bring Actions, may prove by an Agent, provided such Agent shall in his Declaration declare that he is such Agent, and that he is authorized to make such Proof; and such Declaration, signed by such Creditor and Agent respectively as aforesaid, shall be in such Form as General Orders shall direct.

Declaration for Proof of Debt.

False Declaration a Misdemeanor.

**145.** Any Person who shall wilfully and corruptly make any Declaration for Proof of Debt as aforesaid, knowing the same, or the Statement of Account to which the same shall be appended, to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor, and shall be liable to undergo the Pains and Penalties imposed upon Persons guilty of wilful and corrupt Perjury.

Proof in Court or in Chambers, or before a Registrar, or by Affidavit.

**146.** Every Creditor of the Bankrupt may also after Adjudication prove his Debt, by Deposition in Court or in Chambers, or before a Registrar at any Meeting of Creditors elsewhere than in Court, or by Affidavit, upon his own Oath, or upon that of any Clerk or other Person in his Employment; provided that where such Deposition or Affidavit shall be made by any other Person than the Creditor, the Deponent shall, in his Deposition or Affidavit, set forth that he is duly authorized by his Principal to make the Deposition or Affidavit, and that it is within his own Knowledge that the Debt was incurred, and for the Consideration stated, and that to the best of his Knowledge and Belief the Debt still remains unpaid and unsatisfied.

**147.** The

**147.** The Official or Creditors Assignee, as the Case may be, shall examine all the Statements of Account aforesaid, and compare the same with the Books, Accounts, and other Documents of the Bankrupt, and shall from Time to Time make out a List of the Creditors who have proved their Debts, stating the Amount and Nature of such Debts, which List shall be open to the Inspection of any Creditor who has proved under the Estate.

Official Assignee to examine all Statements of Account; and make out List of Creditors who have proved.

**148.** The Court may, on the Application of the Assignee, or of any Creditor, or of the Bankrupt, or without any Application, examine upon Oath or otherwise any Person tendering or who has made a Proof, and may summon any Person capable of giving Evidence concerning such Proof; and, in like Manner, where the Debt is tendered on Affidavit or Statement, as herein-before provided, may summon and examine on Oath or otherwise the Person who has made the Affidavit or Statement, and any other Person capable of giving Evidence concerning the Debt sought to be proved.

Power to examine upon Oath alleged Creditors, &c.

**149.** A Person entitled to enforce against the Bankrupt Payment of any Money, Costs, or Expenses by Process of Contempt issuing out of any Court, shall be entitled to come in as a Creditor under the Bankruptcy, and prove for the Amount payable under the Process, subject to such ascertaining of the Amount as may be properly had by Taxation or otherwise.

Proof for Money, Costs, &c. of which Payment may be enforced by Process of Contempt.

**150.** In all Cases in which the Bankrupt is liable to pay any Rent or other Payment falling due at fixed or stated Periods, and the Adjudication of Bankruptcy shall happen at any Time other than One of such fixed or stated Periods, it shall be lawful for the Person entitled to such Rent or other Payment to prove for a proportionate Part thereof up to the Day of the Adjudication of Bankruptcy, in such Manner as if the said Rent or Payment grew due from Day to Day, and not at such fixed or stated Periods as aforesaid.

Proof for proportionate Part of Rent and other Payments falling due at fixed Periods.

**151.** If any Bankrupt shall have contracted, before the filing of a Petition for Adjudication, any Debt payable by way of Instalments, the Creditor may prove for the Amount of such Instalments remaining unpaid at the Time of such Petition.

Proof in case of Debt payable by Instalments.

**152.** If any Debtor shall, at the Time of Adjudication, be liable upon any Bill of Exchange or Promissory Note in respect of distinct Contracts as Member of Two or more Firms carrying on separate and distinct Trades, and having distinct Estates to be wound-up in Bankruptcy, or as a sole Trader and also as the Member of a Firm, the Circumstance that such Firms are in whole or in part composed.

Proof in respect of distinct Contracts.

composed of the same Individuals, or that the sole Contractor is also One of the joint Contractors, shall not prevent Proof and Receipt of Dividend in respect of such distinct Contracts against the Estates respectively liable upon such Contracts.

Proof in respect of unliquidated Damages.

**153.** If any Bankrupt shall at the Time of Adjudication be liable, by reason of any Contract or Promise, to a Demand in the Nature of Damages which have not been and cannot be otherwise liquidated or ascertained, it shall be lawful for the Court acting in prosecution of such Bankruptcy to direct such Damages to be assessed by a Jury, either before itself or in a Court of Law, and to give all necessary Directions for such Purpose; and the Amount of Damage, when assessed, shall be proveable as if a Debt due at the Time of the Bankruptcy: Provided that in case all necessary Parties agree, the Court shall have Power to assess such Damages without the Intervention of a Jury or a Reference to a Court of Law.

Proof for Premiums upon Policies of Insurance.

**154.** If any Bankrupt shall at the Time of Adjudication be liable by reason of any Contract or Promise to pay Premiums upon any Policy of Insurance, or any other Sums of Money, whether yearly or otherwise, or to repay to or indemnify any Person against any such Payments, the Person entitled to the Benefit of such Contract or Promise may, if he think fit, apply to the Court to set a Value upon his Interest under such Contract or Promise, and the Court is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon.

How Proof may be expunged or reduced.

**155.** The Court may at any Time expunge or reduce a Proof of Debt, on such Application and such Evidence as it shall think sufficient, and for that Purpose may summon and examine upon Oath or otherwise the Person who has proved, and every Person capable of giving Evidence concerning the alleged Debt, and may make such Order as to the Costs of any Application as shall seem just.

One Year's Parochial Rates may be paid in full.

**156.** The Court, out of the Estate and Effects of the Bankrupt shall order Payment of all such Parochial Rates as may be due from him at the Time of his being adjudicated a Bankrupt; provided such Rates have become due during the Twelve Months immediately preceding the Bankruptcy.

As to the Discharge of the Bankrupt:

Classification of Certificates abolished.

**157.** From and after the Commencement of this Act all Classification of Certificates shall be abolished; and in every Case where the Discharge of a Bankrupt shall be suspended, such Discharge,

charge, when allowed, shall simply state the Period for which it was suspended, and the Reasons for such Suspension; and if the Bankrupt shall have been sentenced to Imprisonment by any Court under the Provisions of this Act the Discharge shall also set forth the Fact of such Sentence and the Period of such Imprisonment.

Form of Discharge where suspended, or Bankrupt sentenced to Imprisonment.

**158.** After the Bankrupt has passed his last Examination, unless an Order of Discharge shall have been previously made as hereinbefore provided, the Court shall appoint a Sitting for the Purpose of considering the Question of granting to the Bankrupt such Order. Fourteen Days Notice of such Sitting shall be given in the *London Gazette* and such Newspapers as the Court shall direct. The Assignees or any Creditor who has proved may be heard against such Discharge.

Appointment of Sitting for considering Question of granting Order of Discharge.

**159.** In granting Orders of Discharge the following Rules shall be observed:

Rules as to granting Orders of Discharge.

1. If on the Hearing of any Application for an Order of Discharge the Assignees or any Creditor shall allege, and if with or without such Allegation the Court shall be of opinion, that there is Ground for charging the Bankrupt with Acts or Conduct amounting to a Misdemeanor under this Act, the Court shall, if the Bankrupt consent thereto, direct a clear Statement in Writing of the Charge to be delivered to the Bankrupt, and shall appoint a Day for trying the Bankrupt on such Charge, and, if the Bankrupt require it, shall summon a Jury for such Purpose, and may direct the Creditors Assignee, or the Official Assignee, or any of the Creditors of the Bankrupt, to act as Prosecutor on such Trial: Provided always, that in every Case of Accusation against a Bankrupt of Acts amounting to a Misdemeanor, it shall be competent to the Court to direct that the Bankrupt be indicted and prosecuted in one of the ordinary Courts of Criminal Justice; and in all other Cases the Order of Discharge shall take effect immediately from its Date, subject to the Appeal herein provided:
2. If on such Trial by a Jury or by the Commissioner alone the Bankrupt shall be convicted of any Offence by this Act made a Misdemeanor, the Commissioner shall, in addition to the Punishment awarded for the Offence, have Power to direct that the Order of Discharge be either wholly refused or suspended during such Time and upon such Conditions as he shall think fit:
3. If the Bankrupt shall not be accused of Acts amounting to Misdemeanor, or if he shall have been accused and acquitted, but

but in either Case there shall be made, or shall appear to the Court to exist, Objection to the granting of an immediate Discharge, the Court shall proceed to consider the Conduct of the Bankrupt before and after Adjudication, and the Manner and Circumstances in and under which his Debts have been contracted; and if the Court shall be of opinion that the Bankrupt has carried on Trade by means of fictitious Capital, or that he could not have had at the Time when any of his Debts were contracted any reasonable or probable Ground of Expectation of being able to pay the same, or that, if a Trader, he has, with Intent to conceal the true State of his Affairs, wilfully omitted to keep proper Books of Account, or, whether Trader or not, that his Insolvency is attributable to rash and hazardous Speculation, or unjustifiable Extravagance in living, or that he has put any of his Creditors to unnecessary Expense by frivolous or vexatious Defence to any Action or Suit to recover any Debt or Money due from him, the Court may either refuse an Order of Discharge, or may suspend the same from taking effect for such Time as the Court may think fit, or may grant an Order of Discharge subject to any Condition or Conditions touching any Salary, Pay, Emoluments, Profits, Wages, Earnings, or Income which may afterwards become due to the Bankrupt, and touching after-acquired Property of the Bankrupt, or may sentence the Bankrupt to be imprisoned for any Period of Time not exceeding One Year from the Date of such Sentence:

Provided always, that no Person shall be liable by virtue of this Act to any Criminal Proceeding or Penalty in respect of any Matter which may have occurred before the passing of this Act to which he would not have been liable if this Act had not passed.

Application for Order of Discharge where Certificate of Conformity has been refused.

**160.** With respect to all Persons heretofore bankrupt, and whose Certificates of Conformity shall have been refused, it shall be lawful for the Court, at any Time after the Expiration of Three Years from the Time of, and notwithstanding such Refusal, to hear and determine the Application of any such Bankrupt for an Order of Discharge, and thereupon, if the Court shall think fit, to grant an Order of Discharge, either absolute or subject to any Condition or Conditions, in the same Manner as if the Bankruptcy of such Applicant had taken place after the Commencement of this Act.

Effect of Order of Discharge.

**161.** The Order of Discharge shall, upon taking effect, discharge the Bankrupt from all Debts, Claims, or Demands proveable under his Bankruptcy, save as herein otherwise provided; and if thereafter he shall be arrested, or any Action shall be brought against him for

for any such Debt, Claim, or Demand, he shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and the Order of Discharge shall be sufficient Evidence of the Bankruptcy, and the Proceedings precedent to the Order of Discharge.

**162.** If a Bankrupt, after the Order of Discharge takes effect, be arrested or detained in Custody for a Debt, Claim, or Demand proveable under his Bankruptcy, where Judgment has been obtained before the Order of Discharge takes effect, the Court, or a Judge of a Superior Court of Law, shall, on Proof of the Order of Discharge, and unless there appear good Reason to the contrary, direct the Officer who has the Bankrupt in Custody to discharge him, which shall be done accordingly, without Fee.

Release of Bankrupt when arrested after Discharge.

**163.** The Order of Discharge shall not release or discharge any Person who was a Partner with the Bankrupt at the Time of the Bankruptcy, or was then jointly bound, or had made any joint Contract with him.

Effect of Order in case of Partners, &c.

**164.** After the Order of Discharge takes effect, the Bankrupt shall not be liable to pay or satisfy any Debt, Claim, or Demand proveable under the Bankruptcy, or any Part thereof, on any Contract, Promise, or Agreement, verbal or written, made after Adjudication; and if he be sued on any such Contract, Promise, or Agreement he may plead in general that the Cause of Action accrued pending Proceedings in Bankruptcy, and may give this Act and the special Matter in Evidence.

Contract, &c. pending Proceedings in Bankruptcy, not binding on Bankrupt.

**165.** The Order of Discharge shall discharge the Bankrupt from the Effects of any Process issuing out of any Court for Contempt of any Court for Nonpayment of Money or of Costs or Expenses in any Court, and from all Costs which he would be liable to pay in consequence of or on purging his Contempt; and a Bankrupt in Custody under any such Process as aforesaid shall, on obtaining an Order of Discharge, be entitled to be discharged from such Custody forthwith.

Order to operate as a Discharge from Effects of Process for Contempt.

**166.** Any Contract, Covenant, or Security made or given by a Bankrupt or other Person, with, to, or in trust for any Creditor, for securing the Payment of any Money as a Consideration or with Intent to persuade the Creditor to forbear opposing the Order for Discharge, or to forbear to petition for a Rehearing of or to appeal against the same, shall be void, and any Money thereby

Contract or Security with Intent to induce Creditor to forbear Opposition, void.

thereby secured or agreed to be paid shall not be recoverable, and the Party sued on any such Contract or Security may plead in general that the Cause of Action accrued pending Proceedings in Bankruptcy, and may give this Act and the special Matter in Evidence: Provided always, that no such Security, if a negotiable Security, shall be void as against a *bonâ fide* Holder thereof for Value without Notice of the Consideration for which it was given.

Proviso.

Obtaining Money, Goods, &c. as an Inducement to forbear Opposition, or to consent to Allowance of Discharge, Penalty for.

**167.** If any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose, or for consenting to the Allowance of the Discharge of such Bankrupt, or to forbear to petition for the Recal of the same, every such Creditor so offending shall forfeit and lose for every such Offence the treble Value or Amount of such Money, Goods, Chattels, or Security so obtained.

Rehearing of Order of Discharge.

**168.** The Order of Discharge, whether suspended or not, shall not be reviewed by the Court, unless the Court see good Cause to believe that the Order was obtained on false Evidence, or by reason of the Suppression of Evidence, or otherwise fraudulently; in any of which Cases the Court may, if it think fit, upon the Application of the Bankrupt or of a Creditor who has proved, and subject to such Deposit for Costs, and to such Notices, by Advertisement or otherwise, as the Court shall think fit, grant a Rehearing of the Matter, and rehear it accordingly; and upon Rehearing the Court shall make such Order as shall seem just, in like Manner as it might upon an original Hearing.

If Order suspended on Rehearing, subsequent Creditors to prove first against subsequent Property.

**169.** If on such Rehearing the Court shall annul or suspend the Order of Discharge, all Persons having *bonâ fide* become Creditors of the Bankrupt between the Time of the Order originally taking effect and the Time of its being annulled or suspended on Rehearing shall, as against any Property acquired by the Bankrupt during the same Period, and in priority to the original Creditors, be admitted to prove and have Dividends under the Bankruptcy.

Order, when to be drawn up.

**170.** The Order of Discharge shall not be drawn up until after the Expiration of the Time allowed for Appeal, or, if an Appeal be brought, until after the Decision of the Court of Appeal upon such Appeal, and shall bear Date either the Day after the Expiration of the Time allowed for Appeal, or the Day of the Decision of the Court of Appeal, as the Case may require.

Appeal against Decision.

**171.** At any Time within Thirty Days after any Order of Discharge shall have been allowed or refused, and subject to such Order as

as to Deposit of Costs as General Orders shall direct, any Creditor of the Bankrupt, or any Creditors Assignee, or the Bankrupt, may, if the Order of Discharge has been made or refused by any Commissioner or County Court Judge, apply to the Court of Appeal in Chancery that such Order of Discharge may be granted, or recalled and delivered up to be cancelled; and such Court may, on good Cause shown, order such Order of Discharge to be granted, or to be recalled and cancelled.

whether granting or refusing an Order of Discharge.

**172.** The Order of Discharge shall be in such Form as General Orders shall direct, and shall be under the Hand of the Commissioner and the Seal of the Court; and Notice of the granting thereof shall be advertised in the *London Gazette* and in Two local Papers.

Form of Order.

Notice to be advertised.

As to Audit:

**173.** No public Sittings of the Courts shall be held for the sole Purpose of auditing the Accounts of the Assignees, but such Accounts shall be audited in such Manner as is herein provided, or as General Orders shall direct.

No public Sitting for Audit.

As to Dividend:

**174.** At the Expiration of Four Months from the Date of the Adjudication of Bankruptcy, or as much earlier as the Court shall appoint, the Creditors Assignee shall submit to a Meeting of Creditors to be called for that Purpose, and to be held before the Registrar, of which Meeting Ten Days Notice shall be given in the *London Gazette* and in Two local Newspapers, a Statement of the whole Estate of the Bankrupt as then ascertained, of the Property recovered, and of the Property outstanding, specifying the Cause of its being so outstanding, and of all the Receipts, and of all Payments thereout, made or to be made; and the Official Assignee shall, and any Creditor who has proved may, attend and examine such Statement, and compare the Receipts with the Payments; and upon ascertaining what Balance is then in the Bank of *England* or other Bank to the Credit of the Estate, the Meeting shall, by Resolution, declare whether any and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Contingencies, shall be divided amongst the Creditors. At the same Meeting the Majority in Value of the Creditors present shall determine whether any and what Allowance shall be made to the Bankrupt out of his Estate, if he has obtained or shall obtain a Discharge.

Dividend.

**175.** If upon such Examination it shall appear that the Creditors Assignee has kept in his Hands at any Time during the Space of One Week more than the Sum of Fifty Pounds belonging to the Estate,

Assignee not to keep Money in his Hands.

Estate, the Creditors may, upon establishing such Fact to the Satisfaction of the Court, and if the Assignee shall not show Cause to the contrary, debit such Assignee with Interest for the Amount so kept, at any Rate not exceeding Twenty Pounds *per Centum* by the Year, for the Time such Monies were kept in his Hands.

Provision to be made for Creditors residing at a Distance; and for pending Claims.

**176.** In the Calculation of a Dividend it shall be imperative to make Provision for Debts which shall appear from the Bankrupt's Balance Sheet to be due to Persons resident in Places so distant from the Court that in the ordinary Course of Communication they have not had sufficient Time to tender their Proofs, or to establish them if disputed; and also for Debts, the Subject of Claims not yet determined by the Court.

Joint and separate Dividend Sittings.

**177.** In every Case where joint and separate Estates have to be administered, and where the Court shall not otherwise direct, Dividends of the joint and separate Estates shall be declared at One and the same Sitting, and Notice of the Time appointed for such Dividends, when advertised, shall be given in One and the same Advertisement; and the Costs, Charges, and Expenses of and incident to the Sitting shall be apportioned by the Assignee between the joint and separate Estates as may appear to be fair and reasonable, having regard to the Work done for and the Benefit received by each Estate; and a single Fee, and no more, shall be payable to the Solicitor to the Estate in respect of the Sitting.

Dividend List to be prepared by Official Assignee.

**178.** Within Ten Days after such Meeting, or within such further Time as the Court may allow, the Official Assignee shall prepare Lists of Creditors entitled to Dividend, and shall calculate and set opposite to the Name of each Creditor who has proved under the Estate (subject to the Provision herein contained as to Dividends reserved) the Dividend to which he is entitled, out of the net Produce of the Estate so set apart for a Dividend, and shall forward by Post to every such Creditor a Statement of the Dividend to which he is so entitled, and such Dividends shall be paid at the Bank of *England* or otherwise in such Manner as General Orders shall direct.

Like Proceedings at successive Periods of Four Months.

**179.** The like Proceedings for the making up and auditing of the Accounts of the Estate, and the Declaration and Payment of a Dividend, which are herein directed to be had at the Expiration of Four Months from the Adjudication of Bankruptcy, shall be had at the successive Expirations of every Period of Four Months, or earlier, as the Case may be, until the whole of the Estate is divided amongst the Creditors, and a Dividend is declared to be final; provided that it shall be lawful for the Majority in Value of the Creditors

ditors at any such Meeting as aforesaid to postpone the Period of declaring a Dividend, or at any Time, in declaring a Second Dividend, to declare also that such Second Dividend shall be final, unless any Action at Law or Suit in Equity be depending, or any Part of the Estate be standing out not sold or disposed of, or unless some other Estate or Effects of the Bankrupt shall afterwards come to the Assignee, in which Case he shall, as soon as may be, convert such Estate and Effects into Money, and within Two Months after the same shall be so converted the same shall also be divided in manner aforesaid.

As to the Discharge of the Creditors Assignee:

Effect of Discharge.

**180.** The Order for Discharge shall operate to release the Creditors Assignee from all Claims and Demands of the Creditors, or of any Person who might have proved under the Bankruptcy, subject nevertheless to such Conditions, if any, as shall be expressed in such Order of Discharge.

Unclaimed Dividends, &c. to be paid into the Bank.

**181.** Every Creditors Assignee shall, before his Discharge, transmit to the Official Assignee a List of unclaimed Dividends on the Estate, and of all Debts remaining due to the Estate, under his Hand, and shall pay all Monies and other Estate of the Bankrupt then in his Hands into the Bank of *England*, to the Account of the Accountant in Bankruptcy, to the Credit of the Estate.

Official Assignee to act after Discharge of Creditors Assignee.

**182.** Where the Creditors Assignee has obtained an Order of Discharge, the Official Assignee first appointed in the Matter of the Bankruptcy shall, as to any Estate and Effects of the Bankrupt not realized at the Time of such Order of Discharge, and as to all Debts then remaining uncollected, and which shall not have been sold in manner herein provided, and as to any future acquired Property of the Bankrupt, if made liable to the Creditors under the Conditions of Discharge, represent the Estate in all respects as the sole Assignee thereof, and shall have and exercise all the Rights, Duties, Powers, and Authorities conferred by this Act upon Official and Creditors Assignees.

Bank of England to receive from Assignee and give a Receipt for any Sum mentioned in a Certificate of the Accountant in Bankruptcy.

**183.** The Accountant in Bankruptcy shall, on the Application of any Assignee, give to him a Certificate stating the Amount and Description of any Sum of Money, Notes, Bills, or other negotiable Instruments which he may be desirous of paying into the Bank of *England* under the Provisions herein contained; and on the Production of such Certificate the Governor and Company of the Bank of *England* shall receive the Sum therein mentioned, and such Bills, Notes, or other negotiable Instruments, and give a Receipt for the

the same, and shall forthwith carry the same to the Credit of the Accountant in Bankruptcy; and every such Certificate and Receipt shall be given without Fee or Reward.

Unclaimed Dividends.

**184.** All unclaimed Dividends, save Dividends declared before the passing of this Act, and all Monies unclaimed, the Produce of any Bankrupt's Estate, shall, after the Expiration of the Period of Twelve Months from the Dividend having been declared, or from the Time at which any other Monies unclaimed shall have come to the Hands of the Assignee, be transferred to the Credit of "The Unclaimed Dividend Account," subject to the Order of the Court for the Payment thereout of any Dividend due to any Creditor, or for the Distribution of any such other unclaimed Money; and the Interest and Profit arising from the said Account shall from Time to Time be paid over to the Account of the Chief Registrar.

As to Change from Bankruptcy to Arrangement:

Power for Creditors to resolve that Estate ought to be wound up under Deed of Arrangement, &c.; and Proceedings stayed.

**185.** At the First Meeting of Creditors held after Adjudication in manner herein provided, or at any Meeting to be called for the Purpose, and of which Ten Days Notice shall have been given in the *London Gazette*, Three Fourths in Number and Value of the Creditors present or represented at such Meeting may resolve that the Estate ought to be wound up under a Deed of Arrangement, Composition, or otherwise, and that an Application shall be made to the Court to stay Proceedings in the Bankruptcy for such Period as the Court shall think fit.

Resolution to be reported to the Court.

Power for Court to confirm.

**186.** The Registrar shall report such Resolution to the Court within Four Days from the Date of such Resolution; and the Bankrupt, or any Creditor nominated in that Behalf by the Meeting, may then apply to the Court that the Proceedings in Bankruptcy may be stayed in the Terms of such Resolution; and the Court, after hearing the Bankrupt, and such Creditors as may desire to be heard for or against the Resolution, and if it shall find that the Resolution was duly carried, and that its Terms are reasonable, and calculated to benefit the general Body of the Creditors under the Estate, shall confirm the same, and make Order accordingly, and in such Order shall give such Directions as to the interim Management of the Estate as it shall deem expedient.

Power for Court to make a Declaration of complete Execution of Deed of

**187.** If the Proceedings in Bankruptcy be stayed as herein provided, the Bankrupt, or any Creditor nominated in that Behalf by the Meeting aforesaid, may, at any Time within the Period during which the Proceedings are so stayed, produce to the Court a Deed of Arrangement, signed by or on behalf of Three Fourths in Number and

and Value of all the Creditors of the Bankrupt; and the Court may consider the same, and may examine on Oath the Bankrupt and any of the Creditors who may desire to be heard in support of or in opposition to the Deed, and may make such other Inquiry as it may think necessary; and if the Court shall be satisfied that the Deed has been duly entered into and executed, and that its Terms are reasonable and calculated to benefit the general Body of the Creditors under the Estate, it shall by Order make a Declaration of the complete Execution of the Deed, and shall direct the same to be registered with the Chief Registrar, and shall also, if it thinks fit, annul the Bankruptcy; and such Deed shall thereafter be as binding in all respects on any Creditor who has not executed the Deed as if he had executed it, provided such Deed be registered with the Chief Registrar in manner directed by the Order.

Arrangement; and to direct it to be registered; and to annul Bankruptcy.

Deed, if so registered, to be binding on Creditors not executing.

**188.** Either before or after such Order, the Court shall have Jurisdiction to entertain any Application of the Bankrupt, or of any Party to the Deed, or of any Creditor or Person claiming to be a Creditor, respecting the Disclosure, Distribution, Inspection, Conduct, Management, or winding-up of the Bankrupt's Estate and Affairs, or any Act or Thing relating thereto, or respecting the Execution of any of the Trusts or Provisions of the Deed, or the Audit or Examination of the Accounts of a Trustee or Inspector, or the Taxation or Examination of the Costs or Charges of any Attorney, Solicitor, Accountant, Auctioneer, Broker, or other Person acting or employed under the Deed, or generally for the Decision of any Dispute or Question, and shall also have Jurisdiction to entertain any Application of any such Person as aforesaid, respecting any Matter for the Submission whereof to the Court Provision is made by the Deed, or any Matter arising between any of the said Persons, and any other Person appearing and submitting to the Jurisdiction of the Court; and the Court shall determine all Questions arising under the Deed according to the Law and Practice in Bankruptcy, so far as they may be applicable, and on entertaining any such Application shall have Power to make all such Orders as shall seem just, and to enforce all such Orders as in Bankruptcy.

Court to have Jurisdiction to entertain Applications of Bankrupt or any Party to the Deed respecting Bankrupt's Estate and Affairs.

Questions under the Deed to be decided according to Law of Bankruptcy.

**189.** The Court shall have Power, for the Purpose of any Application under these Provisions, or for the better Execution of any Powers given to the Court thereby, to summon, and to examine, upon Oath or otherwise, the Bankrupt, and any Party to the Deed, and any Creditor or Person claiming to be a Creditor, and any Person known or suspected to have any of the Estate in his Possession, or any Person supposed to be indebted to the Estate, or whom the Court may deem capable of giving any Information material to the full

Power of the Court to summon and examine Bankrupt, &c.

 Disclosure

Disclosure of the Debtor's Transactions and Affairs, or to the carrying into effect the Provisions of the Deed; and the Court may exercise, as to the Examination of such Persons, and the Production by them of such Books, Papers, Deeds, or Documents as it shall deem requisite, the same Powers that are vested in the Court with relation to the Examination of Persons and Witnesses, and the Production of Books, Papers, Deeds, and Documents, in Matters of Bankruptcy.

Where Bankruptcy to proceed as if no Resolution had been passed.

**190.** If the Resolution aforesaid shall not be duly reported, or if the Court shall refuse the Application to stay Proceedings, or if the Deed of Arrangement shall not be duly produced, or if upon its Production the Court shall not think fit to approve thereof, the Bankruptcy shall proceed as though no such Resolution had been passed; and the Court may make all necessary Orders for resuming the Proceedings in Bankruptcy, and the Period of Time which shall have elapsed between the Date of such Resolution and the Date of the Order for resuming Proceedings shall not be reckoned in calculating Periods of Time prescribed by this Act.

Where Bankruptcy annulled.

**191.** If the Bankruptcy be annulled, as herein provided, the Order annulling the same shall be filed with the Proceedings, and Notice thereof shall be given in the *London Gazette*.

As to Trust Deeds for Benefit of Creditors, Composition and Inspectorship Deeds executed by a Debtor:

What Deeds to be valid; and upon what Conditions.

**192.** Every Deed or Instrument made or entered into between a Debtor and his Creditors, or any of them, or a Trustee on their Behalf, relating to the Debts or Liabilities of the Debtor, and his Release therefrom, or the Distribution, Inspection, Management, and winding-up of his Estate, or any of such Matters, shall be as valid and effectual and binding on all the Creditors of such Debtor as if they were Parties to and had duly executed the same, provided the following Conditions be observed; that is to say,

1. A Majority in Number representing Three Fourths in Value of the Creditors of such Debtor whose Debts shall respectively amount to Ten Pounds and upwards shall, before or after the Execution thereof by the Debtor, in Writing assent to or approve of such Deed or Instrument.
2. If a Trustee or Trustees be appointed by such Deed or Instrument, such Trustee or Trustees shall execute the same:
3. The Execution of such Deed or Instrument by the Debtor shall be attested by an Attorney or Solicitor:
4. Within Twenty-eight Days from the Day of the Execution of such Deed or Instrument by the Debtor the same shall be produced

produced and left (having been first duly stamped) at the Office of the Chief Registrar, for the Purpose of being registered:

5. Together with such Deed or Instrument there shall be delivered to the Chief Registrar an Affidavit by the Debtor or some Person able to depose thereto, or a Certificate by the Trustee or Trustees, that a Majority in Number, representing Three Fourths in Value, of the Creditors of the Debtor whose Debts amount to Ten Pounds or upwards have in Writing assented to or approved of such Deed or Instrument, and also stating the Amount in Value of the Property and Credits of the Debtor comprised in such Deed:
6. Such Deed or Instrument shall, before Registration, bear such ordinary and *ad valorem* Stamp Duties as are herein-after provided:
7. Immediately on the Execution thereof by the Debtor, Possession of all the Property comprised therein, of which the Debtor can give or order Possession, shall be given to the Trustees.

Particulars of Deed to be entered by the Chief Registrar.

**193.** The Date, Names, and Descriptions of the Parties to every such Deed or Instrument, not including the Creditors, together with a short Statement of the Nature and Effect thereof, shall be entered by the Chief Registrar in a Book to be kept exclusively for the Purposes of such Registration. Such Entry shall be made within Forty-eight Hours after the Deed shall have been left with the Registrar as aforesaid, and a Copy of such Entry shall be published in the *London Gazette* within Four Days after the making of such Entry.

Copy of Entry to be published in the Gazette.

Deed to be registered in the Court of Bankruptcy, and in default, not to be received in Evidence.

**194.** Every Deed, Instrument, or Agreement whatsoever, by which a Debtor, not being a Bankrupt, conveys or covenants or agrees to convey his Estate and Effects, or the principal Part thereof, for the Benefit of his Creditors, or makes any Arrangement or Agreement with his Creditors, or any Person on their Behalf, for the Distribution, Inspection, Conduct, Management, or Winding-up of his Affairs or Estate, or the Release or Discharge of such Debtor from his Debts or Liabilities, shall, within Twenty-eight Days from and after the Execution thereof by such Debtor, or within such further Time as the Court in *London* shall allow, be registered in the Court of Bankruptcy; and in default thereof shall not be received in Evidence.

Stamp Duties on Deeds.

**195.** No Deed or Instrument whatever required to be registered as aforesaid shall be registered unless in addition to the ordinary Stamp Duty it also be impressed with or have affixed to it a Stamp denoting

No Deed to be registered unless so stamped.

denoting a Duty computed at the Rate of Five Shillings upon every Hundred Pounds, or Fraction of an Hundred Pounds, of the sworn or certified Value of the Estate or Effects comprised in, or to be collected or distributed under, such Deed or Instrument: Provided, that the Maximum of *ad valorem* Duty payable in respect of any such Deed or Instrument shall be Two hundred Pounds.

Memorandum of Registration.

**196.** Every such Deed, on being so registered as aforesaid, shall have a Memorandum thereof written on the Face of such Deed, stating the Day and the Hour of the Day at which the same was brought into the Office of the Chief Registrar for Registration.

Jurisdiction of the Court, and Rights and Liabilities of the Parties, after Registration of Deed.

**197.** From and after the Registration of every such Deed or Instrument in manner aforesaid, the Debtor and Creditors, and Trustees, Parties to such Deed, or who have assented thereto or are bound thereby, shall in all Matters relating to the Estate and Effects of such Debtor be subject to the Jurisdiction of the Court of Bankruptcy, and shall respectively have the Benefit of and be liable to all the Provisions of this Act, in the same or like Manner as if the Debtor had been adjudged a Bankrupt, and the Creditors had proved, and the Trustees had been appointed Creditors Assignees under such Bankruptcy; and the existing or future Trustees of any such Deed or Instrument, and the Creditors under the same, shall as between themselves respectively, and as between themselves and the Debtor and against Third Persons, have the same Powers, Rights, and Remedies, with respect to the Debtor and his Estate and Effects, and the Collection and Recovery of the same, as are possessed or may be used or exercised by Assignees or Creditors with respect to the Bankrupt, or his Acts, Estate and Effects in Bankruptcy; and, except where the Deed shall expressly provide otherwise, the Court shall determine all Questions arising under the Deed according to the Law and Practice in Bankruptcy, so far as they may be applicable, and shall have Power to make and enforce all such Orders as it would be authorized to do if the Debtor in such Deed had been adjudged bankrupt, and his Estate were administered in Bankruptcy.

Protection to Debtor after Notice of filing, &c. of Deed.

**198.** After Notice of the filing and Registration of such Deed has been given as aforesaid, no Execution, Sequestration, or other Process against the Debtor's Property in respect of any Debt, and no Process against his Person in respect of any Debt, other than such Process by Writ or Warrant as may be had against a Debtor about to depart out of *England*, shall be available to any Creditor or Claimant, without Leave of the Court; and a Certificate of the filing and Registration of such Deed under the Hand of the Chief Registrar and

and the Seal of the Court shall be available to the Debtor for all Purposes as a Protection in Bankruptcy.

**199.** In case any Petition shall be presented for an Adjudication in Bankruptcy against a Debtor after his Execution of such Deed or Instrument as is herein-before described, and pending the Time allowed for the Registration of such Deed or Instrument, all Proceedings under such Petition may be stayed, if the Court shall think fit; and in case such Deed or Instrument shall be duly registered as aforesaid, the Petition shall be dismissed.

Stay of Proceedings in Bankruptcy after Execution of Deed, pending Time allowed for its Registration.

**200.** If a Debtor cannot obtain the Assent of a Majority in Number representing Three Fourths in Value of his Creditors, by reason of his being unable to ascertain by whom Bills of Exchange, Promissory Notes, or other negotiable Securities accepted, drawn, made, or endorsed by him are holden, or by reason of the Absence of Creditors in a Foreign Country, or other similar Circumstances, it shall be sufficient if he obtain the Consent of a Majority in Number representing Three Fourths in Value of all his other Creditors to such Deed or Instrument as aforesaid; provided that Notice shall have been inserted by or on behalf of the Debtor in One or more Newspapers published in the County or Place at which he shall have carried on Business immediately prior to the Date of such Deed or Instrument, requiring his Creditors to signify their Assent to or Dissent from such Deed or Instrument by Notice in Writing addressed to the Trustee or Trustees thereof within Fourteen Days from the Insertion of such Notice, and that the Affidavit or Certificate of the Trustee or Trustees shall state the Circumstances of the Case, and the same shall be allowed by the Court, and provided the Deed or Instrument be in such Form as is expressed in Schedule (D.) to this Act annexed, which shall vest all the Estate and Effects of the Debtor in the Trustees of such Deed, and provided that all such other Conditions as are herein-before required be duly complied with.

Provision in case Debtor cannot obtain Assent of requisite Majority of Creditors.

As to Notices and Advertisements:

**201.** All Notices by this Act or by General Order required to be served on any Person shall be sent by Post addressed to the last known Place of Business or Abode of such Person, subject to such Regulations as to Registration and otherwise as such General Orders shall direct; provided that this present Clause shall not apply to or affect Notices by this Act or by any General Order required to be personally served.

What Notices to be sent by Post.

Proviso.

**202.** General Orders respecting the Form and Contents of Notices in the *London Gazette* and otherwise may provide for Notices

General Orders as to Advertisements.

Notices concerning more Bankruptcies than One being comprised in One Advertisement, and may fix the Price to be paid to the Printer of the *London Gazette* for Advertisements, which Price the said Printer is hereby required to receive as such Payment.

As to Evidence:

Petitions and other Proceedings in Bankruptcy, and Copies, purporting to be sealed with the Seal of the Court, admissible in Evidence.

**203.** Any Petition for Adjudication, or Arrangement, Adjudication of Bankruptcy, Assignment, Appointment of Official or Creditors Assignee, Certificate, Deposition, or other Proceeding or Order in Bankruptcy, or under any of the Provisions of this Act, appearing to be sealed with the Seal of any Court under this Act, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of such Court, without any further Proof thereof; and no such Copy shall be receivable in Evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided.

Judicial Notice to be taken of Signature of Commissioner or Registrar and Seal of Court.

**204.** All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Commissioner or Registrar of the Courts, and of the Seal of the Courts, subscribed or attached to any judicial or official Proceeding or Document to be made or signed under the Provisions of this Act.

Forging Signature of Commissioner or Officer, or Seal of Court, &c., Felony.

**205.** If any Person shall forge the Signature of any Commissioner, Registrar, or of the Master or other Officer of the Court, or shall forge or counterfeit the Seal of the Courts, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Commissioner, Registrar, Master, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing such Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under the Act of the Session of Parliament of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen.

Evidence as to Insolvency.

**206.** A Copy of any Petition filed in the Court for the Relief of Insolvent Debtors in *England*, or in any Court having Jurisdiction

tion for the Relief of Insolvent Debtors, or in Bankruptcy, in any of Her Majesty's Dominions, Colonies, or Dependencies, and of any Vesting Order, Schedule, Order of Adjudication, or other Proceedings, purporting to be signed by the Officer in whose Custody the same shall be or his Deputy, certifying the same to be a true Copy of such Petition, Vesting Order, Schedule, Order of Adjudication, or other Order or Proceedings, and appearing to be sealed with the Seal of such Court, shall at all Times be admitted under this Act as sufficient Evidence of the same, and of such Proceedings respectively having taken place, without any other Proof whatever given of the same.

As to Affidavits, Declarations, and Affirmations:

**207.** Any Affidavit, Declaration, or Affirmation required to be sworn or made in relation to any Matter under this Act may be lawfully sworn— Affidavits, Declarations, &c. before whom to be sworn.

1. In *England*, *Scotland*, and *Ireland*, before any Court acting in Matters of Bankruptcy, or before any Registrar or Taxing Master thereof, or before any Commissioner for administering Oaths in Chancery or any of the Superior Courts of Common Law at *Westminster*, or before any Officer of the High Court of Chancery, duly authorized to administer Oaths in such Court, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn:
2. In any Colony, Island, Plantation, or Place under the Dominion of Her Majesty, before any Court, Judge, or Person lawfully authorized to take and receive Affidavits, Affirmations, or Declarations:
3. In any Foreign Parts out of Her Majesty's Dominions, before a Judge or Magistrate, his Signature being authenticated by the Official Seal of the Court to which he is attached, or by a Public Notary, or before a *British* Minister, Consul or Vice Consul:

And every such Court, Judge, Officer, or other Person is hereby authorized and required to administer the Oath upon any such Affidavit, or to take such Affirmation or Declaration; and all Courts, Judges, Justices, Commissioners, and Persons acting judicially shall take judicial Notice of the Seal or Signature (as the Case may be) of any such Court, Judge, Officer, or other Person, attached, appended, or subscribed to any such Affidavit or Declaration, or to any other Document to be used for the Purposes of this Act, or of other Acts in relation hereto. Judicial Notice of Seal or Signature thereto.

**208.** The Court of Bankruptcy in *London*, and the District Courts of Bankruptcy in *England*, are in like Manner authorized and required to administer Oaths, or to receive Affirmations The Courts of Bankruptcy in England to be auxiliary

for the Purpose of taking Affidavits, &c. to be used elsewhere.

mations or Declarations, upon any Affidavit or Declaration or Affirmation to be used in any Matter of Bankruptcy or Insolvency under Prosecution or hereafter to be prosecuted in any Court in *Scotland*, *Ireland*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty; and all such Courts shall take judicial Notice of any Affidavit, Declaration, or Affirmation so sworn or made.

As to Fees on taking Oaths, or making Declarations, in Bankruptcy.

**209.** No Fee shall be payable on the swearing of any Oath, or the making of any Affirmation or Declaration, taken or made in the *London* Court, or in any District Court of Bankruptcy, in any Matter of Bankruptcy, Arrangement, or Insolvency within the United Kingdom, or in any of Her Majesty's Dominions, Colonies, or Dependencies, and no Fee or Reward whatever shall be taken or received by any Court or Magistrate for or in respect of the taking of such Oath, or the making of such Affirmation or Declaration, other than such Fee or Reward as General Orders shall allow.

Affidavits by Prisoners.

**210.** Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in *England*, to be used in any Matter under this Act, may be sworn before the Visiting or other Justices, or if within Twelve Hours none shall attend then before the Gaoler of such Prison or Gaol, and every such Justice or Gaoler is hereby required and authorized to administer the Oath upon any such Affidavit without Fee or Reward.

Bankrupts and Bankrupts Wives to sign Declaration in Sched. (E.); not to exempt from Examination upon Oath.

**211.** All Bankrupts shall, and the Wives of such Bankrupts shall, when so required by the Court, make and sign the Declaration contained in the Schedule (E.) to this Act annexed, but such Declaration shall not in any Case exempt such Bankrupt or Bankrupt's Wife from being examined upon Oath, if the Court or any Creditor shall so require.

As to Solicitors:

Solicitors of the Court of Bankruptcy may practise as such, and appear and plead without Counsel.

**212.** Every Solicitor of the High Court of Chancery, now or hereafter admitted as a Solicitor of the Court of Bankruptcy, may practise as such Solicitor in the said Court or in any District Court, and as to all Matters before the Commissioners or in Chambers may appear and plead without being required to employ Counsel; and in case any Person not being such Solicitor shall practise in the Court as a Solicitor he shall be deemed guilty of a Contempt of Court and be liable to all the Penalties incident thereto.

As to Costs:

Power to award Costs.

**213.** Any Court acting under this Act may in all Matters before it award such Costs as shall seem fit and just; and all Costs so awarded

awarded shall be recoverable in the same Manner as Costs awarded by a Rule of any of the Superior Courts at *Westminster* may be recovered, and the like Remedies may be had, upon an Order of such Court, for Costs, as upon a Rule of any of the said Superior Courts for Costs; but no such Order shall affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until it shall be registered, and, if necessary, re-registered, pursuant to the Provisions of the Act of the Session of Parliament of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, any Notice of any such Order to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

Remedies for recovering Costs.

Order for Costs must be registered under 23 & 24 Vict. c. 38.

As to Orders of the Lord Chancellor and of the Court of Appeal in Chancery:

**214.** The Provisions of the Act of the Session of Parliament of the First and Second Years of the Reign of Her Majesty, Chapter One hundred and ten, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Review, therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor and the said Court of Review in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor and of the Court of Appeal in Chancery sitting in Bankruptcy under this Act.

Provisions of 1 & 2 Vict. c. 110. to be applicable to Orders of the Lord Chancellor and Court of Appeal.

As to the Attendance of Witnesses out of the Jurisdiction:

**215.** The Provisions of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Thirty-four, intituled *An Act to enable the Courts of Law in* England, Ireland, *and* Scotland *to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom*, shall extend to and the Powers thereof shall be exercised by the Commissioners of the Court of Bankruptcy.

Provisions of 17 & 18 Vict. c. 34. as to Attendance of Witnesses out of Jurisdiction, extended to Court of Bankruptcy.

As to the Powers for mutual Aid of the Courts in *England* and elsewhere:

**216.** The Court may direct the Examination in *Scotland* of any Person for the Time being in *Scotland*, being a Person believed to be capable of giving Information in any Matter in regard to the Acts, Estate, or Dealings of any Bankrupt or Petitioner within the Provisions of this Act, and the Order for such Examination may be directed in *Scotland* to the Sheriff of the County in which the Person to be examined is residing or happens to be for the Time; and such Sheriff may, in like Manner as in Examinations in any Matter in Bankruptcy before such Sheriff, summon such Person to appear before

Courts in Scotland to be auxiliary to the Court in England in the Examination of Witnesses, &c.

Proceedings for that Purpose.

before him, at a Time and Place to be specified in the Summons, for Examination upon Oath, as Witness or Haver, and to produce any Books, Papers, Deeds, or Documents called for which may be in his Possession or Power; and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall report the same in Writing in the usual Form to the Court, and shall transmit with such Report either the original Books, Papers, Deeds, or Documents produced, or otherwise such Copies thereof or Extracts therefrom, authenticated by the Sheriff, as he shall think fit or deem necessary; and in case any Person so summoned shall fail to appear at the Time and Place specified, or appearing shall refuse to be examined or to make the Production required, the Sheriff shall proceed against such Person, as a Witness or Haver duly cited, and failing to appear or refusing to give Evidence, or make Production, may be proceeded against by the Law of *Scotland*; and the Sheriff shall be entitled to such and the like Fees, and the Witness shall be entitled to such and the like Allowances, as are allowed to Commissioners under Appointment from the Court of Session, and as Witnesses and Havers are entitled to in the like Cases according to the Law and Practice of *Scotland*. If any Objection be stated to the Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever, the Sheriff may dispose of such Objection, or, if he think fit, report such Objection to the Court, and suspend the Examination of such Witness until such Objection has been disposed of by the Court.

Courts in Ireland to be auxiliary in like Manner.

**217.** The Court may, in like Manner, direct any such Examination, in *Ireland*, of any Person for the Time being in *Ireland*, being a Person believed to be capable of giving such Information in any such Matter under this Act; and such Examination in *Ireland* may be directed to the Court of Bankruptcy in *Ireland*, which, for the Purpose of such Examination, and for the Production of Books, Papers, Deeds, or Documents, shall have the like Powers and Authorities in all respects as relates to Matters within this Act as are in the next preceding Section given to Sheriffs in *Scotland*, or as might be exercised by such Court in the Case of a Matter within its own Jurisdiction.

Where Debtor who has been adjudged bankrupt, &c. in India or the Colonies resides, or has Property, in

**218.** If any Person who shall have been duly adjudged or declared bankrupt or insolvent in *India*, or any of the Foreign Dominions, Plantations, or Colonies of Her Majesty, shall be resident or shall be possessed of Property in *England*, *Ireland*, or *Scotland*, or in any Colony, Plantation, or Foreign Possession of the Crown, it shall be lawful for the Assignee, Trustee, or other Representative of the Creditors

Creditors of such Bankrupt or Insolvent to apply for and obtain an Adjudication of Bankruptcy, Sequestration, or Insolvency against such Person in the Court of Bankruptcy in *England*, and in the proper Court in *Scotland*, *Ireland*, and such Colony, Plantation, or Foreign Possession of the Crown respectively, and by virtue thereof the same Order and Disposition shall be had and taken with respect to the Person and Property of the Bankrupt or Insolvent, as would have been if he had been originally adjudged bankrupt or insolvent by the Court or Tribunal so applied to. Upon such Application it shall not be necessary for the Assignee, Trustee, or other Representative of the Creditors of the Person so declared bankrupt or insolvent as aforesaid to give Proof of any Act of Bankruptcy or Petitioning Creditor's Debt, or to produce any other Evidence than a duly certified Copy, under the Seal of the Court, of the Order or Adjudication by which such Person was found or adjudged bankrupt or insolvent.

England, &c., Power to obtain Adjudication in England, &c., and Proceedings thereupon.

**219.** Any Order made by the Court, or by any Court in *England*, acting under this Act, in the Course of the Prosecution of any Matter under this Act, shall be enforced in *Scotland* and *Ireland* in the Courts that would respectively have had Jurisdiction in respect of such Matter if the Residence or Place of Business of the Debtor had been situate in *Scotland* or *Ireland*, and in the same Manner in all respects as if such Order had been made by the Courts that are hereby required to enforce the same; and in like Manner Orders, Interlocutors, and Decrees made by any Court in *Scotland* for or in the Course of any Bankruptcy or Insolvency shall be enforced in *England* and *Ireland*; and Orders made by the Court in *Ireland* for or in the Course of any such Proceedings shall be enforced in *England* and *Scotland* by the Courts of Bankruptcy which would respectively have had Jurisdiction in any such Matter, and in the same Manner in all respects as if such Order had been made by the Court required to enforce the same in the Case of a Matter within its own Jurisdiction.

Orders in England to be enforced in Scotland and Ireland, and conversely.

**220.** The Court and the District Court in *London*, and the District Courts in the Country, shall in like Manner be auxiliary, for all Purposes of Proof of Debt, and for the Examination of Persons and Witnesses upon Oath, or for other like Purposes, to the Courts acting in Matters of Bankruptcy or Insolvency in *Scotland* and in *Ireland*, and also to any Court acting in such Matters in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty, or to any *British* Judge elsewhere so acting.

Courts in England to be in like Manner auxiliary to Courts in Scotland, Ireland, and elsewhere.

As

As to Misdemeanors under this Act:

Penalty on Persons guilty of Misdemeanors herein named.

**221.** From and after the Commencement of this Act, any Bankrupt who shall do any of the Acts or Things following, with Intent to defraud or defeat the Rights of his Creditors, shall be guilty of a Misdemeanor, and shall be liable, at the Discretion of the Court before which he shall be convicted, to Punishment by Imprisonment for not more than Three Years, or to any greater Punishment attached to the Offence by any existing Statute:

1. If he shall not upon the Day limited for his Surrender, and before Three of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally or left at his usual or last known Place of Abode or Business, and after the Notice herein directed in the *London Gazette*, surrender himself to the Court (having no lawful Impediment allowed by the Court), and sign or subscribe such Surrender, and submit to be examined before such Court from Time to Time:
2. If he shall not upon his Examination fully and truly discover, to the best of his Knowledge and Belief, all his Property, Real and Personal, inclusive of his Rights and Credits, and how and to whom, and for what Consideration, and when he disposed of, assigned, or transferred any Part thereof, except such Part as has been really and *bonâ fide* before sold or disposed of in the Way of his Trade or Business, if any, or laid out in the ordinary Expense of his Family, or shall not deliver up to the Court, or dispose as the Court directs of all such Part thereof as is in his Possession, Custody, or Power, except the necessary Wearing Apparel of himself, his Wife and Children; and deliver up to the Court all Books, Papers, and Writings in his Possession, Custody, or Power relating to his Property or Affairs:
3. If he shall, after Adjudication, or within Sixty Days prior to Adjudication, with Intent to defraud his Creditors, remove, conceal, or embezzle any Part of his Property to the Value of Ten Pounds or upwards:
4. If, in case of any Person having to his Knowledge or Belief proved a false Debt under his Bankruptcy, he shall fail to disclose the same to his Assignees within One Month after coming to the Knowledge or Belief thereof:
5. If he shall, with Intent to defraud, wilfully and fraudulently omit from his Schedule any Effects or Property whatsoever:
6. If he shall, after the filing of the Petition for Adjudication, with Intent to conceal the State of his Affairs, or to defeat the Object of the Law of Bankruptcy, conceal, prevent or withhold

hold the Production of any Book, Deed, Paper, or Writing relating to his Property, Dealings, or Affairs:

7. If he shall, after the filing of the Petition for Adjudication, or within Three Months next before Adjudication, with Intent to conceal the State of his Affairs, or to defeat the Objects of the Law of Bankruptcy, part with, conceal, destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any Book, Paper, Writing, or Security, or Document relating to his Property, Trade, Dealings, or Affairs, or make or be privy to the making of any false or fraudulent Entry or Statement in or Omission from any Book, Paper, Document, or Writing relating thereto:

8. If, within the like Time, he shall, knowing that he is at the Time unable to meet his Engagements, fraudulently and with Intent to diminish the Sum to be divided amongst the general Body of his Creditors, have made away with, mortgaged, encumbered, or charged any Part of his Property, of what Kind soever, or if after Adjudication he shall conceal from the Court or his Assignee any Debt due to or from him:

9. If, being a Trader, he shall, under his Bankruptcy, or at any Meeting of his Creditors within Three Months next preceding the filing of the Petition for Adjudication, have attempted to account for any of his Property by fictitious Losses or Expenses:

10. If, being a Trader, he shall, within Three Months next before the filing of the Petition for Adjudication, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, have obtained on Credit from any Person any Goods or Chattels with Intent to defraud:

11. If, being a Trader, he shall, with Intent to defraud his Creditors, within Three Months next before the filing of the Petition for Adjudication, pawn, pledge, or dispose of, otherwise than by *bonâ fide* Transactions in the ordinary Way of his Trade, any of his Goods or Chattels which have been obtained on Credit and remain unpaid for.

Jurisdiction and Powers of Commissioners in proceeding in respect of Bankrupt guilty of any of Offences hereinbefore named.

**222.** If it shall at any Time appear to any Court under this Act that the Bankrupt has been guilty of any of the Offences in the next preceding Section set forth, such Court shall have and may exercise such Jurisdiction, Rights, Powers, and Privileges, for the summoning, apprehending, committing, remanding, bailing, and otherwise proceeding in respect of such Bankrupt, as are exercised by and vested in Her Majesty's Justices of the Peace in respect of Persons against whom a Charge or Complaint shall have been made before any One or more of the said Justices in respect of any Felony or indictable Misdemeanor committed within the Limits of the Jurisdiction of such

Provisions of 11 & 12 Vict. c. 42. extended to this Act.

Justice or Justices; and all the Provisions of the Act of the Session of Parliament of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, shall, with such Variations as the Nature of the Case may require, extend and apply to the Court, and to the Commissioners of the *London* and other District Courts of Bankruptcy, and to the Judges of the County Courts acting in Matters under this Act, and their Proceedings, as well as to Justices of the Peace and their Proceedings.

Court may appoint Prosecutor.

Costs of Prosecution.

**223.** The Court may direct that the Creditors Assignee, or, if there be no Creditors Assignee, the Official Assignee, or any of the Creditors of the Bankrupt, shall act as the Prosecutor in respect of such Offence, and shall give to such Assignee or Creditor a Certificate of the Court having so directed, which Certificate shall be deemed sufficient Proof of such Prosecution having been directed as aforesaid; and upon the Production of such Certificate the Costs of such Prosecution shall be allowed by the Court before which any Person shall be prosecuted or tried in pursuance of such Direction, unless such last-mentioned Court shall specially otherwise direct, and when allowed by any such Court such Sum so allowed shall be ordered by the said Court to be paid and borne in all respects in the same Manner as the Expenses of Prosecutions for Felonies are now paid and borne, and the same shall be paid and borne accordingly; and any Expenses incurred by such Prosecutor, other than those so defrayed in accordance with the next following Clause, shall be paid out of the Account intituled "The Chief Registrar's Account."

Power to Court to direct Reference to Attorney General.

**224.** The Court may direct the Assignees to lay the Papers before the Attorney General (or the Solicitor General during a Vacancy in the Office of Attorney General) for his Direction thereon, either while the Bankruptcy is pending before the Court or when it has been brought to a Conclusion.

Indictment.

**225.** In any Indictment or Information for any Misdemeanor under this Act it shall be sufficient to set forth the Substance of the Offence charged, without alleging or setting forth any Debt, Act of Bankruptcy, Petition, or Adjudication, or any Summons, Warrant, Order, Rule, or Proceeding of or in any Court acting under this Act.

Miscellaneous Clauses:

Power for Court to commit Persons wilfully disobeying

**226.** If any Person shall wilfully disobey any Rule or Order of the Court, duly made for enforcing any of the Purposes and Provisions of this Act, the Court may, by Warrant in the Form contained in the Schedule (F.) to this Act annexed, commit the Person so offending to the

the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found or where he shall usually reside, there to remain, without Bail or Mainprise, until such Court, or the Court of Appeal in Chancery sitting in Bankruptcy, shall make Order to the contrary.

any Rule or Order of Court.

**227.** All Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized, may be sued for by the Creditors Assignee or Trustee, or such other Person as the Court shall by Order direct, in any of Her Majesty's Superior Courts of Record.

Money forfeited under this Act, how to be sued for.

**228.** The several Provisions contained in the One hundred and fourteenth, One hundred and fifteenth, One hundred and sixteenth, and One hundred and seventeenth Clauses of the Act passed in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, shall apply to all Officers of the Court and of the County Courts sitting in Bankruptcy, who act in execution of Warrants and Orders of such Courts, as if these several Clauses had been enacted hereby.

Sections 114, 115, 116, and 117 of 9 & 10 Vict. c. 95. to apply to Officers acting in execution of Warrants and Orders of the Courts.

As to the Definition and Explanation of Terms:

**229.** The Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

Definition of Terms, &c.

"Annulling" shall mean also "superseding:" — "Annulling:"

"Assignee" shall mean the Assignee of the Estate and Effects of the Bankrupt or Petitioner, chosen by the Creditors; and until such Assignee shall be chosen, or where no such Assignee shall exist, shall mean the Official Assignee: — 'Assignees:'

"Bank of *England*" shall mean also all Branches or Agents thereof: — "Bank of England:"

"Bankrupt" shall mean any Person who shall have been under any former Acts, or who shall be by any Court under the Provisions of this Act, adjudicated bankrupt: — "Bankrupt:'

"Commissioner," and "Commissioner of the Court of Bankruptcy," shall include the Judge of any County Court entitled to act in Bankruptcy under this Act: — "Commissioner," &c.

"Court," "the Court," "the Courts," shall mean the Court in *London*, or any Country District Court, or any County Court, acting under this Act, according as such several Constructions shall be consistent with the Context: — "Court:"

"Court of Bankruptcy" shall mean Her Majesty's Court of Bankruptcy constituted under this Act, and the Commissioners thereof: — "Court of Bankruptcy:"

"Creditor" shall mean also any Two or more Persons being Partners, and incorporated and Joint Stock Companies: — "Creditor:"

"Creditors"

"Creditors present at any Meeting:" "Creditors present at any Meeting" shall include Creditors who are represented by some Person duly authorized by any such Creditor in Writing, and such Authority shall not require a Stamp:

"Gaoler:" "Gaoler" shall include the Keeper or Governor of any Gaol or Prison:

"Messenger:" "Messenger" shall mean also and include his Assistant or Assistants, duly authorized by him to act as his Deputy or Deputies, when acting under Order of the Court:

"Metropolitan District:" "Metropolitan District" shall mean and include every Parish the Distance whereof as measured by the nearest Highway from the General Post Office in *London* to the Parish Church of such Parish shall not exceed Twenty Miles:

"Oath:" "Affidavit:" "Oath," "Affidavit," shall mean and include the Declaration or Affirmation of any Person whom any Act of Parliament shall have authorized to make such Declaration or Affirmation in lieu of an Oath:

"Petition for Adjudication of Bankruptcy:" "Petition for Adjudication" or "Petition in Bankruptcy" shall mean any Petition by or against a Debtor for Adjudication of Bankruptcy; and where in any Act of Parliament, Instrument, Document, or other Proceeding granted, executed, or made before the Commencement of this Act Mention shall have been or shall be made of any Fiat in Bankruptcy or Commission in Bankruptcy, such Act, Instrument, Document, or Proceeding shall be construed as though such Fiat or Commission had been a Petition in Bankruptcy under this Act, so far as the Circumstances will admit:

"Petitioning Creditor:" "Petitioning Creditor" shall mean the Creditor who filed the Petition for Adjudication:

"Property:" "Property" shall mean and include all the Real and Personal Estate and Effects of the Petitioner or Bankrupt within this Realm and Abroad (except as herein provided), and all the future Estate, Right, Title, Interest, and Trust of such Petitioner or Bankrupt in or to any Real or Personal Estate and Effects, within this Realm or abroad, which may revert, descend, be devised or bequeathed or come, and all Debts due or to be due to him, before he shall have obtained his Discharge:

"Prisoner:" "Prisoner" shall mean any Person in actual Custody within the Walls, Rules, or Liberties of any Prison in *England* for any Debt, Damages, Costs, Sum or Sums of Money, or for any Contempt by reason of Nonpayment of any Sum or Sums of Money or Costs:

"Proper County Court:" "Proper County Court" shall mean the County Court within the District of which the Debtor has resided or carried on Business during the Six Months next immediately preceding the Time

Time of filing a Petition under this Act by or against him, or for the longest Period during such Six Months:

"Sheriff" shall include Sheriff Substitute: "Sheriff:"

"Suit" shall include Action at Law and Suit at Equity or other Proceeding: "Suit:"

For the Purposes of this Act, all Persons shall be deemed Traders who prior to the Commencement of this Act would have been liable to be adjudicated bankrupt under the Laws of Bankruptcy then in force: "Trader:"

"United Kingdom" shall mean the United Kingdom of *Great Britain* and *Ireland*: "United Kingdom:"

In all Cases in which any particular Number of Days is prescribed by this Act, or shall be mentioned in any Rule or Order of Court which shall at any Time be made under this Act, for the doing of any Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a *Sunday*, *Christmas Day*, *Good Friday*, *Monday* and *Tuesday* in *Easter* Week, or a Day appointed for a Public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also. "Computation of Time:"

Concluding Clauses:

**230.** The Acts and Parts of Acts set forth in Schedule (G.) to this Act to the Extent to which they are therein expressed to be repealed, and all other Acts or Parts of Acts which are inconsistent with this Act, are repealed; but such Repeal shall not affect any Proceeding pending, or any Right that has arisen or may arise, or any Penalty incurred or that may be incurred, in respect of any Transaction, Act, Matter, or Thing done or existing prior to or at the Commencement of this Act, under or by virtue of any of the Acts or Parts of Acts repealed. Acts and Parts of Acts in Sched. (G.) repealed.

**231.** This Act shall not extend to *Scotland* or *Ireland*, unless where otherwise expressly provided. Limit of Act.

**232.** This Act shall commence and take effect from and after the passing thereof, as to the Appointment of the Officers hereby authorized to be appointed, and as to all other Matters and Things, from and after the Eleventh Day of *October* One thousand eight hundred and sixty-one, and shall be construed, together with so much of "The Bankrupt Law Consolidation Act, 1849," and "The Bankruptcy Act, 1854," as remain unrepealed, as One Act, and may be cited for all Purposes as "The Bankruptcy Act, 1861." Commencement of Act. Short Title.

# SCHEDULES.

## SCHEDULE (A.)

To the Persons filling the under-mentioned Offices in the Court of Bankruptcy, the following Salaries shall be payable:—

| | £ |
|---|---|
| The Chief Registrar - - - - | 1,400 |
| The Registrars acting in London, each - - | 1,200 |
| The Registrars acting in the Country, each - | 1,000 |
| The Registrar in attendance upon the Chief Judge - - - - - - - | 1,200 |
| The Taxing Master - - - - | 1,400 |
| The Accountant in Bankruptcy - - - | 1,500 |
| The Registrar of Meetings - - - | 250 |

The Clerks in the several Offices of the Accountant in Bankruptcy, the Chief Registrar, the Taxing Master, the Ushers of the Court, the Clerk and Trainbearer, Ushers, and Assistant Ushers of the Lords Justices of the Court of Appeal in Bankruptcy, shall continue to receive the same Salaries, and out of the same Funds, as if this Act had not been passed.

SCHE-

## SCHEDULE (B.)

| DOCUMENT. | Stamp Duty in lieu of Fees. £ | s. | d. |
|---|---|---|---|
| Every Petition presented to a Court of Bankruptcy for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors - - - - - | 5 | 0 | 0 |
| Every such Petition when presented to the London Court or to a County Court by Traders whose Debts do not exceed £300 | 1 | 0 | 0 |
| Every Order of Discharge - - - - - | 1 | 0 | 0 |
| Every Declaration of Insolvency - - - - | 0 | 2 | 6 |
| Every Registration of Trust Deeds - - - - | 0 | 10 | 0 |
| Every Summons of Judgment Debtor or Debtor - - | 0 | 2 | 6 |
| Every Admission of such Debtor - - - - - | 0 | 2 | 6 |
| Every Deposition of good Defence - - - - | 0 | 2 | 6 |
| Every Bond with Sureties - - - - | 0 | 5 | 0 |
| Every Application for Search for Petition or other Proceeding - | 0 | 1 | 0 |
| Every Application for any Meeting in any Matter under this Act - - - - - - - - | 0 | 5 | 0 |
| Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements,—where such Bill of Costs shall not exceed £5 - - - - - | 0 | 1 | 6 |
| Exceeding £5 and not exceeding £10 - - - | 0 | 2 | 6 |
| " 10 " - 20 - - | 0 | 5 | 0 |
| " 20 " - 30 - - | 0 | 7 | 6 |
| " 30 " - 50 - - | 0 | 10 | 0 |
| " 50 " - 100 - - | 0 | 15 | 0 |
| " 100 " - 150 - - | 1 | 0 | 0 |
| " 150 " - 200 - - | 1 | 10 | 0 |
| " 200 " - 300 - - | 2 | 0 | 0 |
| " 300 " - 500 - - | 3 | 0 | 0 |
| " 500 - - - - - | 5 | 0 | 0 |

## SCHEDULE (C.)

Bankruptcy Act, 1861.

(In Bankruptcy.)

Warrant of Committal of Bankrupt or other Party for unsatisfactorily answering, or for refusing to sign his Examination.

Court of Bankruptcy.

WHEREAS *E.F.*, the said [*or G.H.* of in the County of ] was on the Day of duly sworn and examined in this Court; and the said was again on the Day of duly sworn and examined in this Court, as by the Examination

and

and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said , as now so appearing in said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition]:

These are therefore to authorize and require you, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until this Court, or the Court of Appeal in Chancery sitting in Bankruptcy, shall make an Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court, this Day of 18

*J.K.*,
Judge.

To
and to
Governor of the said Prison, or his Deputy there.

## SCHEDULE (D.)

THIS Deed, made the Day of between *A.B.* [*the Debtor*], and *C.D.* and *E.F.* [*the Trustees*], on behalf and with the Assent of the undersigned Creditors of *A.B.*, witnesseth that *A.B.* hereby conveys all his Estate and Effects to *C.D.* and *E.F.* absolutely, to be applied and administered for the Benefit of the Creditors of *A.B.* in like Manner as if *A.B.* had been at the Date hereof duly adjudged bankrupt. In witness, *&c.*

Schedule of Creditors.

## SCHEDULE (E.)

The Bankruptcy Act, 1861.

Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.

I *A.B.*, the Person declared a Bankrupt under a Petition for Adjudication of Bankruptcy filed on the Day of in the Year of our Lord [*or* I *C.D.*, the Wife of *A.B.*, declared a Bankrupt under a Petition for Adjudication of Bankruptcy filed on the Day of ], do solemnly promise and declare, That I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A.B.*, and all Dealings and Transactions relating thereto, and

and will make a full and true Disclosure of all that has been done with the said Property, to the best of my Knowledge, Information, and Belief.

(Signed) *A.B.*
[*or C.D.*, the Wife of the said *A.B.*]

## SCHEDULE (F.)

The Bankruptcy Act, 1861.

Warrant against any Person disobeying any Rule or Order of Court.

WHEREAS by a Rule [*or* an Order] of this Court, bearing Date the Day of made for enforcing the Purposes and Provisions of the Bankruptcy Act, 1861, [*or if of any other Act hereafter in force relating to the Subject Matters of this Act, or made or entered into by Consent for carrying into effect any of such Purposes or Provisions, alter the Recital accordingly*], it was ordered, that, [*&c. &c. as in the Rule or Order*].
And whereas it is now proved that after the making of the said Rule [*or* Order], that is to say, on this Day of , a Copy of the said Rule [*or* Order] was duly served on the said personally, and the original Rule [*or* Order] at the same Time shown to him, but the said then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Rule [*or* Order]

These are therefore to will, require, and authorize you immediately upon Receipt hereof to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called ], and him there to deliver to the Keeper of the said Prison, together with this Precept, and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprise, until this Court, or the Court of Appeal in Chancery sitting in Bankruptcy, shall make Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court at the Court of Bankruptcy, London, this Day of in the Year of our Lord One thousand eight hundred and

*A.B.*, (L.S.)
Judge.

To or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called ], or his Deputy there.

## SCHEDULE (G.)

ACTS AND PARTS OF ACTS REPEALED.

| Date of Act. | Title. | Extent of Repeal. |
|---|---|---|
| 1 & 2 Vict. c. 110. | An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England. | The whole, except ss. 1 to 22, both inclusive. |
| 5 & 6 Vict. c. 116. | An Act for the Relief of Insolvent Debtors. | The whole. |
| 7 & 8 Vict. c. 96. | An Act to amend the Laws of Bankruptcy, Insolvency, and Execution. | Sections 1 to 44, both inclusive, and Sections 49 to 53, both inclusive. |
| 10 & 11 Vict. c. 102. | An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Court of Bankruptcy and Court for Relief of Insolvent Debtors. | The whole, except s. 4. |
| 12 & 13 Vict. c. 106. | An Act to amend and consolidate the Laws relating to Bankrupts. | Sections 7, 8, 10, 14, 15, 16, 18, 20, 25, 26, 28, 36, 37, 39, 44, 45, 46, 48, 52, 54, 58, 59, 60, 61, 62, 66, 70, 72, 73, 75, 90, 91, 92, 93, 94, 96, 160, 183, 185, 187, 188, 189, 193, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 211 to 231, both inclusive, Sections 237, 239, 243, 244, 245, 246, 247, 249, 251, 252, 253, 255, 256, 257, 258, 259, 261, 266, 270, 271, 276, and 278, and such other Parts of the said Act as may be inconsistent with this present Act. |
| 15 & 16 Vict. c. 77. | An Act to abolish the Office of Lord Chancellor's Chief Secretary of Bankrupts, and to regulate the Office of Chief Registrar of the Court of Bankruptcy. | Section 10. |
| 17 & 18 Vict. c. 119. | An Act for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts. | Sections 3, 11, 12, 13, 14, 15, 20, 21, 22, 25, 26, 27. |

SCHE-

## SCHEDULE (H.)

### Medical Certificate.

I, the undersigned,
being a (a)
and being in actual Practice as a (b)
hereby certify, that I, on the Day of at
the Gaol of at in the County of
separately from any other Medical Practitioner,
personally examined
a Prisoner for Debt in the said Gaol, and that the said
is a (c) and a proper Person to be taken charge of
and detained under Care and Treatment, and that I have formed this Opinion
upon the following Grounds, viz.:

1. Facts indicating Insanity observed by myself (d)

2. Other Facts (if any) indicating Insanity, communicated to me by others (e)

(a) *Set forth the Qualification entitling the Person certifying to practise as a Physician, Surgeon, or Apothecary, ex. gra.:*—Fellow of the Royal College of Physicians in London, Licentiate of the Apothecaries' Company, *or as the Case may be.*

(b) Physician, Surgeon, *or* Apothecary, *as the Case may be.*

(c) Lunatic *or* an Idiot, *or* a Person of unsound Mind.

(d) *Here state the Facts.*

(e) *Here state the Information, and from whom.*

(Signed) *Name,*
*Place of Abode*

Dated this Day of One thousand eight hundred and

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.